

DISPOSITION: _____

AGENDA ITEM # _____

MEMORANDUM

DIVISION OF COUNTY ADMINISTRATOR, LEGISLATIVE AFFAIRS

To: Board of County Commissioners
Through: Roman Gastesi, County Administrator
From: Lisa Tennyson, Legislative Affairs Director
Re: DRAFT FLORIDA KEYS ENVIRONMENTAL STEWARDSHIP BILL
Date: December 1, 2014



This memo outlines the intent of each of the proposed statutory changes in the attached DRAFT bill as they currently stand.

Statutes are listed in numerical order, from lowest number to highest. For purposes of context and clarity, the entire text of the statute for each statute where a revision is proposed is included -- rather than just those sections proposed to be amended. That makes this draft lengthy. The actual bill will be substantially shorter, because it will target those sections of the law where changes are proposed, rather than including the entire statute.

This is a first pass at the language. Some specifics are not yet included such as the authorization and annual appropriation amounts; more changes and continued word-smithing are to be expected.

Additionally, the bill has yet to contain the legislative intent and findings language (water quality and land acquisition needs data), which serve to make the case for why the proposed legislation is important. County staff and the municipalities will be compiling this information to provide in the next couple of weeks.

Representative Raschein has indicated that she supports the concept of the draft bill; she will determine when to send the draft to bill drafting and when the bill may be filed.

Here is a brief explanation of the changes in each of the sections of the current draft bill:

Section 1. Modifies s. 212.055, regarding Discretionary Sales Surtaxes and Authorization and Use of Proceeds:

- Addresses issues regarding the definition of “public facility” to clarify that a public facility is any facility owned by the taxing authority or any other governmental entity; and to clarify that funds can be spent on “professional costs” such as legal fees. (*Lines 31-35*).

Section 2. Modifies s. 215.619, regarding Bonds for Everglades Restoration:

- Inclusion of the City of Key West Area of Critical State Concern. (*Line 47*)

- Extends the range of uses for the bonds that may be issued under this section to include projects to protect, restore, or enhance nearshore water quality, such as storm water or canal restoration projects. *(Lines 49-50, 68-70)*
- Extends the years that bonds can be issued through 2035-2036. *(Line 56)*
- Lays out the authorization for bonds for the Florida Keys Area of Critical State Concern, but does not yet specify the total authorization or the annual appropriation amount. *(Lines 60-63)*
- To address concern for a stronger test for “surplused” lands, adds language regarding “surplusing” of lands determined by DEP or SFWMD to be not needed to require an affirmative vote of the affected local government before any lands can be surplused, and requires that the lands be first offered to the local government. *(Lines 109-120)*

Section 3. Modifies s. 259.045, regarding the Purchase of Lands in Areas of Critical State Concern:

- Provides that lands can be acquired, in addition to the existing criteria in that section, to protect, restore or enhance nearshore water quality and fisheries, to prevent or satisfy private property rights claims resulting from the designation and limitations of the area of critical state concern (ACSC). *(Lines 142-146)*
- Adds local governments within an ACSC to the list of those who may make recommendations with respect to additional purchases not included in the state land planning agency recommendations. *(Line 146-147)*

Section 4. Modifies s. 259.105, the Florida Forever Act:

- Proposes to add coral reefs to the examples of unique ecosystems that are threatened. *(Lines 166, 196)*
- Proposes that from FY 2015-2016 – FY 2035-2036, an annual funding allocation (amount not yet specified) to DEP to be spent on land acquisition in the Florida Keys ACSC. *(Lines 356-359)*
- Proposes a modification to existing language expanding the uses of remaining funds under the program to authorize expenditures on lands for preservation or protection of lands in areas of critical state concern or for the protection of coral reefs in addition to the existing authorized uses, and that these are not subject to the 50% match requirement. *(Lines 481-483)*

Section 5. Proposes amendments to s. 380.0552, the Florida Keys ACSC statute:

- Adds legislative intent language to include that it is the intent of the Legislature to fund water quality improvement projects including but not limited to wastewater. *(Lines 876-878)* Language is added to guiding principles adding other water quality improvement projects to wastewater and storm water. *(Line 995)*

Section 6. Proposes amendments to s. 380.0666, regarding the Land Authority:

- Provides an additional authorization for land authorities to contribute funds to DEP for purchase of lands by the Department. *(Lines 1065-1069)*

Section 7. Proposes a new section of Florida law-

- Provides that if bonds are not authorized in part or in full under the Everglades bonding provisions (affected in section 2, above), this section would provide a direct appropriation for water quality projects. (This section is a backstop in the event that bonds are not favored for financing the projects.) (*Lines 1124-1129*)

1 **SECTION 1. Section 212.055 is amended to read:**

2 **212.055 Discretionary sales surtaxes; legislative intent; authorization and use**
3 **of proceeds.—**

4 Fla. Stat. § 212.055(2)(d)1a. is amended to read:

5 (2) Local government infrastructure surtax

6 (d) The proceeds of the surtax authorized by this subsection and any
7 accrued interest shall be expended by the school district, within the county and
8 municipalities within the county, or, in the case of a negotiated joint county
9 agreement, within another county, to finance, plan, and construct infrastructure; to
10 acquire land for public recreation, conservation, or protection of natural resources;
11 to provide loans, grants, or rebates to residential or commercial property owners
12 who make energy efficiency improvements to their residential or commercial
13 property, if a local government ordinance authorizing such use is approved by
14 referendum; or to finance the closure of county-owned or municipally owned solid
15 waste landfills that have been closed or are required to be closed by order of the
16 Department of Environmental Protection. Any use of the proceeds or interest for
17 purposes of landfill closure before July 1, 1993, is ratified. The proceeds and any
18 interest may not be used for the operational expenses of infrastructure, except that
19 a county that has a population of fewer than 75,000 and that is required to close a
20 landfill may use the proceeds or interest for long-term maintenance costs associated
21 with landfill closure. Counties, as defined in s. 125.011, and charter counties may, in
22 addition, use the proceeds or interest to retire or service indebtedness incurred for
23 bonds issued before July 1, 1987, for infrastructure purposes, and for bonds

24 subsequently issued to refund such bonds. Any use of the proceeds or interest for
25 purposes of retiring or servicing indebtedness incurred for refunding bonds before
26 July 1, 1999, is ratified.

27 1. For the purposes of this paragraph, the term “infrastructure” means:

28 a. Any fixed capital expenditure or fixed capital outlay associated with the
29 construction, reconstruction, or improvement of public facilities that have a life
30 expectancy of 5 or more years and any related land acquisition, land improvement,
31 design, and engineering, costs and all other professional and related costs required
32 to bring the asset into service. For purposes of this paragraph, the term “public
33 facilities” means any facility identified in F.S. 163.3164(38), F.S. 163.3221(13), or
34 F.S. 189.012(5) regardless of whether the facility to be funded is owned by the local
35 taxing authority or another governmental entity.

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38 **SECTION 2. Section 215.619 is amended to read:**

39 215.619 Bonds for Everglades restoration.—

40 (1) The issuance of Everglades restoration bonds to finance or refinance the
41 cost of the acquisition and improvement of land, water areas, and related property
42 interests and resources for the purpose of implementing the Comprehensive
43 Everglades Restoration Plan under s. 373.470, the Lake Okeechobee Watershed
44 Protection Plan under s. 373.4595, the Caloosahatchee River Watershed Protection
45 Plan under s. 373.4595, the St. Lucie River Watershed Protection Plan under s.
46 373.4595, and the Florida Keys Area of Critical State Concern protection program
47 under ss. 380.05 and 380.0552 and Key West Area of Critical State Concern in order
48 to restore and conserve natural systems through the implementation of water
49 management projects, including projects to protect, restore, or enhance nearshore
50 water quality and fisheries, such as stormwater or canal restoration projects and
51 wastewater management projects identified in the Keys Wastewater Plan, dated
52 November 2007, and submitted to the Florida House of Representatives on
53 December 4, 2007, is authorized in accordance with s. 11(e), Art. VII of the State
54 Constitution.

55 (a) Everglades restoration bonds, except refunding bonds, may be issued
56 only in fiscal years 2002-2003 2015-2016 through 2019-2020-2035-2036 and may
57 not be issued in an amount exceeding \$100 million per fiscal year unless:

58 1. The Department of Environmental Protection has requested additional
59 amounts in order to achieve cost savings or accelerate the purchase of land; or

60 2. The Legislature authorizes an additional amount of bonds not to exceed
61 \$~~200~~ XXX million, of which \$100 million has already been appropriated, and limited
62 to \$~~50~~ XX million per fiscal year, specifically for the purpose of funding the Florida
63 Keys Area of Critical State Concern protection program. Proceeds from the bonds
64 shall be managed by the Department of Environmental Protection for the purpose of
65 entering into financial assistance agreements with local governments located in the
66 Florida Keys Area of Critical State Concern or Key West Area of Critical State
67 Concern to finance or refinance the cost of constructing sewage collection,
68 treatment, and disposal facilities or for projects to protect, restore, or enhance
69 nearshore water quality and fisheries, such as stormwater or canal restoration
70 projects.

71 (b) The duration of Everglades restoration bonds may not exceed 20 annual
72 maturities and must mature by December 31, ~~2056~~ 2040. Except for refunding
73 bonds, a series of bonds may not be issued unless an amount equal to the debt
74 service coming due in the year of issuance has been appropriated by the Legislature.
75 Beginning July 1, 2010, the Legislature shall analyze the ratio of the state's debt to
76 projected revenues before authorizing the issuance of bonds under this section.

77 (2) The state covenants with the holders of Everglades restoration bonds
78 that it will not take any action that will materially and adversely affect the rights of
79 the holders so long as the bonds are outstanding, including, but not limited to, a
80 reduction in the portion of documentary stamp taxes distributable under s.
81 201.15(1) for payment of debt service on Preservation 2000 bonds, Florida Forever
82 bonds, or Everglades restoration bonds.

83 (3) Everglades restoration bonds are payable from, and secured by a first lien
84 on, taxes distributable under s. 201.15(1)(b) and do not constitute a general
85 obligation of, or a pledge of the full faith and credit of, the state. Everglades
86 restoration bonds shall be secured on a parity basis with bonds secured by moneys
87 distributable under s. 201.15(1)(a).

88 (4) The Department of Environmental Protection shall request the Division
89 of Bond Finance of the State Board of Administration to issue Everglades restoration
90 bonds under the State Bond Act in an amount supported by projected expenditures
91 of the recipients of the proceeds of the bonds. The Department of Environmental
92 Protection shall coordinate with the Division of Bond Finance to issue the bonds in a
93 cost-effective manner consistent with cash needs.

94 (5) The proceeds of Everglades restoration bonds, less the costs of issuance,
95 the costs of funding reserve accounts, and other costs with respect to the bonds,
96 shall be deposited into the Save Our Everglades Trust Fund. The bond proceeds
97 deposited into the Save Our Everglades Trust Fund shall be distributed by the
98 Department of Environmental Protection as provided in s. 373.470.

99 (6) Lands purchased using bond proceeds under this section which are later
100 determined by the South Florida Water Management District and the Department of
101 Environmental Protection as not needed to implement the comprehensive plan, the
102 Lake Okeechobee Watershed Protection Plan, the Caloosahatchee River Watershed
103 Protection Plan, or the St. Lucie River Watershed Protection Plan, respectively, shall
104 either be surplus at no less than appraised value, and the proceeds from the sale
105 of such lands shall be deposited into the Save Our Everglades Trust Fund to be used

106 to implement the respective plans, or the South Florida Water Management District
107 shall use a different source of funds to pay for or reimburse the Save Our Everglades
108 Trust Fund for that portion of land not needed to implement the respective plans.

109 (7) Lands purchased under this section in the Florida Keys Area of Critical
110 State Concern or the Key West Area of Critical State Concern which are later
111 determined by the South Florida Water Management District and the Department of
112 Environmental Protection as not needed to implement the comprehensive plan shall
113 not be surplused without an affirmative vote of all general purpose local
114 governments within whose boundaries the property lies and shall be offered first to
115 said local government. In the event such lands are surplused, they shall either be
116 surplused at no less than appraised value, and the proceeds from the sale of such
117 lands shall be deposited into the Save Our Everglades Trust Fund to be used to
118 implement the respective plans, or the South Florida Water Management District
119 shall use a different source of funds to pay for or reimburse the Save Our Everglades
120 Trust Fund for that portion of land not needed to implement the respective plans.

121 ~~(7)~~ (8) There may not be any sale, disposition, lease, easement, license, or
122 other use of any land, water areas, or related property interests acquired or
123 improved with proceeds of Everglades restoration bonds which would cause all or
124 any portion of the interest on the bonds to be included in gross income for federal
125 income tax purposes.

126 ~~(8)~~ (9) Any complaint for validation of bonds issued under this section may
127 be filed only in the circuit court of the county where the seat of state government is
128 situated. The notice required to be published by s. 75.06 may be published only in

129 the county where the complaint is filed, and the complaint and order of the circuit
130 court need be served only on the state attorney of the circuit in which the action is
131 pending.

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DRAFT

133 **Section 3. Section 259.045 is amended to read:**

134 259.045 Purchase of lands in areas of critical state concern;
135 recommendations by department and land authorities.— Within 45 days of the
136 designation by the Administration Commission of an area as an area of critical state
137 concern under s. 380.05, and annually thereafter, the Department of Environmental
138 Protection shall consider the recommendations of the state land planning agency
139 pursuant to s. 380.05(1)(a) relating to purchase of lands within the proposed area
140 area of critical state concern and shall make recommendations to the board with
141 respect to the purchase of the fee or any lesser interest in any lands situated in such
142 area of critical state concern as environmentally endangered lands; lands to
143 conserve sensitive habitat; lands to protect, restore or enhance nearshore water
144 quality and fisheries; or outdoor recreation lands; or lands to prevent or satisfy
145 private property rights claims resulting from the designation and limitations of the
146 area of critical state concern. The department, a local government within an area of
147 critical state concern, or and a land authority within an area of critical state concern
148 as authorized in chapter 380, may make recommendations with respect to
149 additional purchases which were not included in the state land planning agency
150 recommendations.

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153 **SECTION 4. Section 259.105 is amended to read:**

154 **259.105 The Florida Forever Act.—**

155 (1) This section may be cited as the “Florida Forever Act.”

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

157 1. Land acquisition programs have provided tremendous financial resources
158 for purchasing environmentally significant lands to protect those lands from
159 imminent development or alteration, thereby ensuring present and future
160 generations’ access to important waterways, open spaces, and recreation and
161 conservation lands.

162 2. The continued alteration and development of Florida’s natural and rural
163 areas to accommodate the state’s growing population have contributed to the
164 degradation of water resources, the fragmentation and destruction of wildlife
165 habitats, the loss of outdoor recreation space, and the diminishment of wetlands,
166 forests, working landscapes, and coastal open space, and coral reefs as defined in s.
167 403.93345(3)(c).

168 3. The potential development of Florida’s remaining natural areas and
169 escalation of land values require government efforts to restore, bring under public
170 protection, or acquire lands and water areas to preserve the state’s essential
171 ecological functions and invaluable quality of life.

172 4. It is essential to protect the state’s ecosystems by promoting a more
173 efficient use of land, to ensure opportunities for viable agricultural activities on
174 working lands, and to promote vital rural and urban communities that support and
175 produce development patterns consistent with natural resource protection.

176 5. Florida’s groundwater, surface waters, and springs are under tremendous
177 pressure due to population growth and economic expansion and require special
178 protection and restoration efforts, including the protection of uplands and
179 springsheds that provide vital recharge to aquifer systems and are critical to the
180 protection of water quality and water quantity of the aquifers and springs. To
181 ensure that sufficient quantities of water are available to meet the current and
182 future needs of the natural systems and citizens of the state, and assist in achieving
183 the planning goals of the department and the water management districts, water
184 resource development projects on public lands, where compatible with the resource
185 values of and management objectives for the lands, are appropriate.

186 6. The needs of urban, suburban, and small communities in Florida for high-
187 quality outdoor recreational opportunities, greenways, trails, and open space have
188 not been fully met by previous acquisition programs. Through such programs as the
189 Florida Communities Trust and the Florida Recreation Development Assistance
190 Program, the state shall place additional emphasis on acquiring, protecting,
191 preserving, and restoring open space, ecological greenways, and recreation
192 properties within urban, suburban, and rural areas where pristine natural
193 communities or water bodies no longer exist because of the proximity of developed
194 property.

195 7. Many of Florida’s unique ecosystems, such as the Florida Everglades and
196 coral reefs, are facing ecological collapse due to Florida’s burgeoning population
197 growth and other economic activities. To preserve these valuable ecosystems for

198 future generations, essential parcels of land must be acquired to facilitate ecosystem
199 restoration.

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

204 9. Acquisition of lands, in fee simple, less-than-fee interest, or other
205 techniques shall be based on a comprehensive science-based assessment of Florida's
206 natural resources which targets essential conservation lands by prioritizing all
207 current and future acquisitions based on a uniform set of data and planned so as to
208 protect the integrity and function of ecological systems and working landscapes, and
209 provide multiple benefits, including preservation of fish and wildlife habitat,
210 recreation space for urban and rural areas, and the restoration of natural water
211 storage, flow, and recharge.

212 10. The state has embraced performance-based program budgeting as a tool
213 to evaluate the achievements of publicly funded agencies, build in accountability,
214 and reward those agencies which are able to consistently achieve quantifiable goals.
215 While previous and existing state environmental programs have achieved varying
216 degrees of success, few of these programs can be evaluated as to the extent of their
217 achievements, primarily because performance measures, standards, outcomes, and
218 goals were not established at the outset. Therefore, the Florida Forever program
219 shall be developed and implemented in the context of measurable state goals and
220 objectives.

221 11. The state must play a major role in the recovery and management of its
222 imperiled species through the acquisition, restoration, enhancement, and
223 management of ecosystems that can support the major life functions of such species.
224 It is the intent of the Legislature to support local, state, and federal programs that
225 result in net benefit to imperiled species habitat by providing public and private
226 land owners meaningful incentives for acquiring, restoring, managing, and
227 repopulating habitats for imperiled species. It is the further intent of the Legislature
228 that public lands, both existing and to be acquired, identified by the lead land
229 managing agency, in consultation with the Florida Fish and Wildlife Conservation
230 Commission for animals or the Department of Agriculture and Consumer Services
231 for plants, as habitat or potentially restorable habitat for imperiled species, be
232 restored, enhanced, managed, and repopulated as habitat for such species to
233 advance the goals and objectives of imperiled species management consistent with
234 the purposes for which such lands are acquired without restricting other uses
235 identified in the management plan. It is also the intent of the Legislature that of the
236 proceeds distributed pursuant to subsection (3), additional consideration be given
237 to acquisitions that achieve a combination of conservation goals, including the
238 restoration, enhancement, management, or repopulation of habitat for imperiled
239 species. The Acquisition and Restoration Council, in addition to the criteria in
240 subsection (9), shall give weight to projects that include acquisition, restoration,
241 management, or repopulation of habitat for imperiled species. The term “imperiled
242 species” as used in this chapter and chapter 253, means plants and animals that are
243 federally listed under the Endangered Species Act, or state-listed by the Fish and

244 Wildlife Conservation Commission or the Department of Agriculture and Consumer
245 Services.

246 a. As part of the state's role, all state lands that have imperiled species habitat
247 shall include as a consideration in management plan development the restoration,
248 enhancement, management, and repopulation of such habitats. In addition, the lead
249 land managing agency of such state lands may use fees received from public or
250 private entities for projects to offset adverse impacts to imperiled species or their
251 habitat in order to restore, enhance, manage, repopulate, or acquire land and to
252 implement land management plans developed under s. 253.034 or a land
253 management prospectus developed and implemented under this chapter. Such fees
254 shall be deposited into a foundation or fund created by each land management
255 agency under s. 379.223, s. 589.012 or s. 259.032(11)(c), to be used solely to
256 restore, manage, enhance, repopulate, or acquire imperiled species habitat.

257 b. Where habitat or potentially restorable habitat for imperiled species is
258 located on state lands, the Fish and Wildlife Conservation Commission and the
259 Department of Agriculture and Consumer Services shall be included on any advisory
260 group required under chapter 253, and the short-term and long-term management
261 goals required under chapter 253 must advance the goals and objectives of
262 imperiled species management consistent with the purposes for which the land was
263 acquired without restricting other uses identified in the management plan.

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

267 (b) The Legislature recognizes that acquisition of lands in fee simple is only
268 one way to achieve the aforementioned goals and encourages the use of less-than-
269 fee interests, other techniques, and the development of creative partnerships
270 between governmental agencies and private landowners. Such partnerships may
271 include those that advance the restoration, enhancement, management, or
272 repopulation of imperiled species habitat on state lands as provided for in
273 subparagraph (a)11. Easements acquired pursuant to s. 570.71(2)(a) and (b), land
274 protection agreements, and nonstate funded tools such as rural land stewardship
275 areas, sector planning, and mitigation should be used, where appropriate, to bring
276 environmentally sensitive tracts under an acceptable level of protection at a lower
277 financial cost to the public, and to provide private landowners with the opportunity
278 to enjoy and benefit from their property.

279 (c) Public agencies or other entities that receive funds under this section
280 shall coordinate their expenditures so that project acquisitions, when combined
281 with acquisitions under Florida Forever, Preservation 2000, Save Our Rivers, the
282 Florida Communities Trust, other public land acquisition programs, and the
283 techniques, partnerships, and tools referenced in subparagraph (a)11. and
284 paragraph (b), are used to form more complete patterns of protection for natural
285 areas, ecological greenways, and functioning ecosystems, to better accomplish the
286 intent of this section.

287 (d) A long-term financial commitment to restoring, enhancing, and managing
288 Florida's public lands in order to implement land management plans developed
289 under s. 253.034 or a land management prospectus developed and implemented

290 under this chapter must accompany any land acquisition program to ensure that the
291 natural resource values of such lands are restored, enhanced, managed, and
292 protected; that the public enjoys the lands to their fullest potential; and that the
293 state achieves the full benefits of its investment of public dollars. Innovative
294 strategies such as public-private partnerships and interagency planning and sharing
295 of resources shall be used to achieve the state's management goals.

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

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

306 (g) As it has with previous land acquisition programs, the Legislature
307 recognizes the desires of the residents of this state to prosper through economic
308 development and to preserve, restore, and manage the state's natural areas and
309 recreational open space. The Legislature further recognizes the urgency of restoring
310 the natural functions, including wildlife and imperiled species habitat functions, of
311 public lands or water bodies before they are degraded to a point where recovery
312 may never occur, yet acknowledges the difficulty of ensuring adequate funding for

313 restoration, enhancement, and management efforts in light of other equally critical
314 financial needs of the state. It is the Legislature's desire and intent to fund the
315 implementation of this section and to do so in a fiscally responsible manner, by
316 issuing bonds to be repaid with documentary stamp tax or other revenue sources,
317 including those identified in subparagraph (a)11.

318 (h) The Legislature further recognizes the important role that many of our
319 state and federal military installations contribute to protecting and preserving
320 Florida's natural resources as well as our economic prosperity. Where the state's
321 land conservation plans overlap with the military's need to protect lands, waters,
322 and habitat to ensure the sustainability of military missions, it is the Legislature's
323 intent that agencies receiving funds under this program cooperate with our military
324 partners to protect and buffer military installations and military airspace, by:

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

328 2. Protecting areas underlying low-level military air corridors or operating
329 areas;

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

332 4. Providing the military with technical assistance to restore, enhance, and
333 manage military land as habitat for imperiled species or species designated as
334 threatened or endangered, or a candidate for such designation, and for the recovery
335 or reestablishment of such species.

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

341 (a) Thirty percent to the Department of Environmental Protection for the
342 acquisition of lands and capital project expenditures necessary to implement the
343 water management districts' priority lists developed pursuant to s. 373.199. The
344 funds are to be distributed to the water management districts as provided in
345 subsection (11). A minimum of 50 percent of the total funds provided over the life of
346 the Florida Forever program pursuant to this paragraph shall be used for the
347 acquisition of lands.

348 (b) Thirty-five percent to the Department of Environmental Protection for
349 the acquisition of lands and capital project expenditures described in this section. Of
350 the proceeds distributed pursuant to this paragraph, it is the intent of the
351 Legislature that an increased priority be given to those acquisitions which achieve a
352 combination of conservation goals, including protecting Florida's water resources
353 and natural groundwater recharge. At a minimum, 3 percent, and no more than 10
354 percent, of the funds allocated pursuant to this paragraph shall be spent on capital
355 project expenditures identified during the time of acquisition which meet land
356 management planning activities necessary for public access. Beginning in FY 2015-
357 2016, and continuing through FY 2035-2036, at least \$XX million of the funds

358 annually allocated pursuant to this paragraph shall be spent on land acquisition in
359 the Florida Keys Area of Critical State Concern.

360 (c) Twenty-one percent to the Department of Environmental Protection for
361 use by the Florida Communities Trust for the purposes of part III of chapter 380, as
362 described and limited by this subsection, and grants to local governments or
363 nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the
364 United States Internal Revenue Code for the acquisition of community-based
365 projects, urban open spaces, parks, and greenways to implement local government
366 comprehensive plans. From funds available to the trust and used for land
367 acquisition, 75 percent shall be matched by local governments on a dollar-for-dollar
368 basis. The Legislature intends that the Florida Communities Trust emphasize
369 funding projects in low-income or otherwise disadvantaged communities and
370 projects that provide areas for direct water access and water-dependent facilities
371 that are open to the public and offer public access by vessels to waters of the state,
372 including boat ramps and associated parking and other support facilities. At least 30
373 percent of the total allocation provided to the trust shall be used in Standard
374 Metropolitan Statistical Areas, but one-half of that amount shall be used in localities
375 in which the project site is located in built-up commercial, industrial, or mixed-use
376 areas and functions to intersperse open spaces within congested urban core areas.
377 From funds allocated to the trust, no less than 5 percent shall be used to acquire
378 lands for recreational trail systems, provided that in the event these funds are not
379 needed for such projects, they will be available for other trust projects. Local
380 governments may use federal grants or loans, private donations, or environmental

381 mitigation funds, including environmental mitigation funds required pursuant to s.
382 338.250, for any part or all of any local match required for acquisitions funded
383 through the Florida Communities Trust. Any lands purchased by nonprofit
384 organizations using funds allocated under this paragraph must provide for such
385 lands to remain permanently in public use through a reversion of title to local or
386 state government, conservation easement, or other appropriate mechanism.
387 Projects funded with funds allocated to the trust shall be selected in a competitive
388 process measured against criteria adopted in rule by the trust.

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

391 (e) One and five-tenths percent to the Department of Environmental
392 Protection for the purchase of inholdings and additions to state parks and for capital
393 project expenditures as described in this section. At a minimum, 1 percent, and no
394 more than 10 percent, of the funds allocated pursuant to this paragraph shall be
395 spent on capital project expenditures identified during the time of acquisition which
396 meet land management planning activities necessary for public access. For the
397 purposes of this paragraph, "state park" means any real property in the state which
398 is under the jurisdiction of the Division of Recreation and Parks of the department,
399 or which may come under its jurisdiction.

400 (f) One and five-tenths percent to the Florida Forest Service of the
401 Department of Agriculture and Consumer Services to fund the acquisition of state
402 forest inholdings and additions pursuant to s. 589.07, the implementation of
403 reforestation plans or sustainable forestry management practices, and for capital

404 project expenditures as described in this section. At a minimum, 1 percent, and no
405 more than 10 percent, of the funds allocated for the acquisition of inholdings and
406 additions pursuant to this paragraph shall be spent on capital project expenditures
407 identified during the time of acquisition which meet land management planning
408 activities necessary for public access.

409 (g) One and five-tenths percent to the Fish and Wildlife Conservation
410 Commission to fund the acquisition of inholdings and additions to lands managed by
411 the commission which are important to the conservation of fish and wildlife and for
412 capital project expenditures as described in this section. At a minimum, 1 percent,
413 and no more than 10 percent, of the funds allocated pursuant to this paragraph shall
414 be spent on capital project expenditures identified during the time of acquisition
415 which meet land management planning activities necessary for public access.

416 (h) One and five-tenths percent to the Department of Environmental
417 Protection for the Florida Greenways and Trails Program, to acquire greenways and
418 trails or greenways and trail systems pursuant to chapter 260, including, but not
419 limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail
420 and for capital project expenditures as described in this section. At a minimum, 1
421 percent, and no more than 10 percent, of the funds allocated pursuant to this
422 paragraph shall be spent on capital project expenditures identified during the time
423 of acquisition which meet land management planning activities necessary for public
424 access.

425 (i) Three and five-tenths percent to the Department of Agriculture and
426 Consumer Services for the acquisition of agricultural lands, through perpetual

427 conservation easements and other perpetual less-than-fee techniques, which will
428 achieve the objectives of Florida Forever and s. 570.71. Rules concerning the
429 application, acquisition, and priority ranking process for such easements shall be
430 developed pursuant to s. 570.71(10) and as provided by this paragraph. The board
431 shall ensure that such rules are consistent with the acquisition process provided for
432 in s. 259.041. Provisions of the rules developed pursuant to s. 570.71(10), shall also
433 provide for the following:

434 1. An annual priority list shall be developed pursuant to s. 570.71(10),
435 submitted to the Acquisition and Restoration Council for review, and approved by
436 the board pursuant to s. 259.04.

437 2. Terms of easements and acquisitions proposed pursuant to this paragraph
438 shall be approved by the board and shall not be delegated by the board to any other
439 entity receiving funds under this section.

440 3. All acquisitions pursuant to this paragraph shall contain a clear
441 statement that they are subject to legislative appropriation.

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

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

448 (k) It is the intent of the Legislature that cash payments or proceeds of
449 Florida Forever bonds distributed under this section shall be expended in an

450 efficient and fiscally responsible manner. An agency that receives proceeds from
451 Florida Forever bonds under this section may not maintain a balance of
452 unencumbered funds in its Florida Forever subaccount beyond 3 fiscal years from
453 the date of deposit of funds from each bond issue. Any funds that have not been
454 expended or encumbered after 3 fiscal years from the date of deposit shall be
455 distributed by the Legislature at its next regular session for use in the Florida
456 Forever program.

457 (l) For the purposes of paragraphs (e), (f), (g), and (h), the agencies that
458 receive the funds shall develop their individual acquisition or restoration lists in
459 accordance with specific criteria and numeric performance measures developed
460 pursuant s. 259.035(4). Proposed additions may be acquired if they are identified
461 within the original project boundary, the management plan required pursuant to s.
462 253.034(5), or the management prospectus required pursuant to s. 259.032(9)(d).
463 Proposed additions not meeting the requirements of this paragraph shall be
464 submitted to the Acquisition and Restoration Council for approval. The council may
465 only approve the proposed addition if it meets two or more of the following criteria:
466 serves as a link or corridor to other publicly owned property; enhances the
467 protection or management of the property; would add a desirable resource to the
468 property; would create a more manageable boundary configuration; has a high
469 resource value that otherwise would be unprotected; or can be acquired at less than
470 fair market value.

471 (m) Notwithstanding paragraphs (a)-(j) and for the 2014-2015 fiscal year
472 only:

473 1. Five million dollars to the Department of Agriculture and Consumer
474 Services for the acquisition of agricultural lands through perpetual conservation
475 easements and other perpetual less-than-fee techniques, which will achieve the
476 objectives of Florida Forever and s. 570.71.

477 2. The remaining moneys appropriated from the Florida Forever Trust Fund
478 shall be distributed only to the Division of State Lands within the Department of
479 Environmental Protection for land acquisitions that are either less-than-fee interest,
480 or for partnerships in which the state's portion of the acquisition cost is no more
481 than 50 percent, or for conservation lands needed for preservation or protection of
482 lands in areas of critical state concern, or for protection of coral reefs, or for military
483 buffering, or for springs, or for water resources protection.

484 This paragraph expires July 1, 2015.

485 (4) Notwithstanding subsection (3) and for the 2014-2015 fiscal year only,
486 the funds appropriated in section 56 of the 2014-2015 General Appropriations Act
487 may be provided to water management districts for land acquisitions, including
488 less-than-fee interest, identified by water management districts as being needed for
489 water resource protection or ecosystem restoration. This subsection expires July 1,
490 2015.

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

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

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

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

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

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

508 1. The number of acres acquired of significant strategic habitat conservation
509 areas;

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

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

514 4. The number of acres acquired of underrepresented native ecosystems;

515 5. The number of landscape-sized protection areas of at least 50,000 acres
516 that exhibit a mosaic of predominantly intact or restorable natural communities

517 established through new acquisition projects or augmentations to previous projects;
518 or

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

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

523 1. The number of acres of publicly owned land identified as needing
524 restoration, enhancement, and management, acres undergoing restoration or
525 enhancement, acres with restoration activities completed, and acres managed to
526 maintain such restored or enhanced conditions; the number of acres which
527 represent actual or potential imperiled species habitat; the number of acres which
528 are available pursuant to a management plan to restore, enhance, repopulate, and
529 manage imperiled species habitat; and the number of acres of imperiled species
530 habitat managed, restored, enhanced, repopulated, or acquired;

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

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

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

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

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

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

542 8. The number of acres of functional wetland systems protected;

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

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

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

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

552 1. The number of acres acquired which provide retention and storage of
553 surface water in naturally occurring storage areas, such as lakes and wetlands,
554 consistent with the maintenance of water resources or water supplies and
555 consistent with district water supply plans;

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

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

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

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

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

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

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

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

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

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

578 1. The number of acres acquired that are available for sustainable forest
579 management;

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

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

584 4. The percentage and number of acres identified for restoration actually
585 restored by reforestation.

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

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

590 2. The percentage and number of acres of purchases of open space within
591 urban service areas.

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

595 (6)(a) All lands acquired pursuant to this section shall be managed for
596 multiple-use purposes, where compatible with the resource values of and
597 management objectives for such lands. As used in this section, "multiple-use"
598 includes, but is not limited to, outdoor recreational activities as described in ss.
599 253.034 and 259.032(9)(b), water resource development projects, sustainable
600 forestry management, carbon sequestration, carbon mitigation, or carbon offsets.

601 (b) Upon a decision by the entity in which title to lands acquired pursuant to
602 this section has vested, such lands may be designated single use as defined in s.
603 253.034(2)(b).

604 (c) For purposes of this section, the Board of Trustees of the Internal
605 Improvement Trust Fund shall adopt rules that pertain to the use of state lands for

606 carbon sequestration, carbon mitigation, or carbon offsets and that provide for
607 climate-change-related benefits.

608 (7) As provided in this section, a water resource or water supply
609 development project may be allowed only if the following conditions are met:
610 minimum flows and levels have been established for those waters, if any, which may
611 reasonably be expected to experience significant harm to water resources as a result
612 of the project; the project complies with all applicable permitting requirements; and
613 the project is consistent with the regional water supply plan, if any, of the water
614 management district and with relevant recovery or prevention strategies if required
615 pursuant to s. 373.0421(2).

616 (8)(a) Beginning no later than July 1, 2001, and every year thereafter, the
617 Acquisition and Restoration Council shall accept applications from state agencies,
618 local governments, nonprofit and for-profit organizations, private land trusts, and
619 individuals for project proposals eligible for funding pursuant to paragraph (3)(b).
620 The council shall evaluate the proposals received pursuant to this subsection to
621 ensure that they meet at least one of the criteria under 1subsection (9).

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

623 1. A minimum of two numeric performance measures that directly relate to
624 the overall goals adopted by the council. Each performance measure shall include a
625 baseline measurement, which is the current situation; a performance standard
626 which the project sponsor anticipates the project will achieve; and the performance
627 measurement itself, which should reflect the incremental improvements the project
628 accomplishes towards achieving the performance standard.

629 2. Proof that property owners within any proposed acquisition have been
630 notified of their inclusion in the proposed project. Any property owner may request
631 the removal of such property from further consideration by submitting a request to
632 the project sponsor or the Acquisition and Restoration Council by certified mail.
633 Upon receiving this request, the council shall delete the property from the proposed
634 project; however, the board of trustees, at the time it votes to approve the proposed
635 project lists pursuant to subsection (16), may add the property back on to the
636 project lists if it determines by a super majority of its members that such property is
637 critical to achieve the purposes of the project.

638 (c) The title to lands acquired under this section shall vest in the Board of
639 Trustees of the Internal Improvement Trust Fund, except that title to lands acquired
640 by a water management district shall vest in the name of that district and lands
641 acquired by a local government shall vest in the name of the purchasing local
642 government.

643 (9) The Acquisition and Restoration Council shall develop a project list that
644 shall represent those projects submitted pursuant to 1subsection (7).

645 (10) The Acquisition and Restoration Council shall recommend rules for
646 adoption by the board of trustees to competitively evaluate, select, and rank
647 projects eligible for Florida Forever funds pursuant to paragraph (3)(b) and for
648 additions to the Conservation and Recreation Lands list pursuant to ss. 259.032 and
649 259.101(4). In developing these proposed rules, the Acquisition and Restoration
650 Council shall give weight to the following criteria:

651 (a) The project meets multiple goals described in 1subsection (4).

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

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

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

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

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

661 (g) The project has a significant portion of its land area in imminent danger
662 of development, in imminent danger of losing its significant natural attributes or
663 recreational open space, or in imminent danger of subdivision which would result in
664 multiple ownership and make acquisition of the project costly or less likely to be
665 accomplished.

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

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

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

670 (k) The project may be acquired, in whole or in part, using alternatives to fee
671 simple, including but not limited to, tax incentives, mitigation funds, or other
672 revenues; the purchase of development rights, hunting rights, agricultural or
673 silvicultural rights, or mineral rights; or obtaining conservation easements or
674 flowage easements.

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

677 (11) The Acquisition and Restoration Council shall give increased priority to
678 those projects for which matching funds are available and to project elements
679 previously identified on an acquisition list pursuant to this section that can be
680 acquired at 80 percent or less of appraised value. The council shall also give
681 increased priority to those projects where the state's land conservation plans
682 overlap with the military's need to protect lands, water, and habitat to ensure the
683 sustainability of military missions including:

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

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

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

692 (12) For the purposes of funding projects pursuant to paragraph (3)(a), the
693 Secretary of Environmental Protection shall ensure that each water management
694 district receives the following percentage of funds annually:

695 (a) Thirty-five percent to the South Florida Water Management District, of
696 which amount \$25 million for 2 years beginning in fiscal year 2000-2001 shall be
697 transferred by the Department of Environmental Protection into the Save Our

698 Everglades Trust Fund and shall be used exclusively to implement the
699 comprehensive plan under s. 373.470.

700 (b) Twenty-five percent to the Southwest Florida Water Management
701 District.

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

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

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

707 (13) It is the intent of the Legislature that in developing the list of projects for
708 funding pursuant to paragraph (3)(a), that these funds not be used to abrogate the
709 financial responsibility of those point and nonpoint sources that have contributed to
710 the degradation of water or land areas. Therefore, an increased priority shall be
711 given by the water management district governing boards to those projects that
712 have secured a cost-sharing agreement allocating responsibility for the cleanup of
713 point and nonpoint sources.

714 (14) An affirmative vote of five members of the Acquisition and Restoration
715 Council shall be required in order to place a proposed project on the list developed
716 pursuant to subsection (8). Any member of the council who by family or a business
717 relationship has a connection with any project proposed to be ranked shall declare
718 such interest prior to voting for a project's inclusion on the list.

719 (15) Each year that cash disbursements or bonds are to be issued pursuant to
720 this section, the Acquisition and Restoration Council shall review the most current

721 approved project list and shall, by the first board meeting in May, present to the
722 Board of Trustees of the Internal Improvement Trust Fund for approval a listing of
723 projects developed pursuant to 1subsection (8). The board of trustees may remove
724 projects from the list developed pursuant to this subsection, but may not add
725 projects or rearrange project rankings.

726 (16) The Acquisition and Restoration Council shall submit to the board of
727 trustees, with its list of projects, a report that includes, but shall not be limited to,
728 the following information for each project listed:

729 (a) The stated purpose for inclusion.

730 (b) Projected costs to achieve the project goals.

731 (c) An interim management budget that includes all costs associated with
732 immediate public access.

733 (d) Specific performance measures.

734 (e) Plans for public access.

735 (f) An identification of the essential parcel or parcels within the project
736 without which the project cannot be properly managed.

737 (g) Where applicable, an identification of those projects or parcels within
738 projects which should be acquired in fee simple or in less than fee simple.

739 (h) An identification of those lands being purchased for conservation
740 purposes.

741 (i) A management policy statement for the project and a management
742 prospectus pursuant to s. 259.032(9)(d).

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

744 (k) A map delineating project boundaries.

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

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

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

751 (17) All proposals for projects pursuant to paragraph (3)(b) shall be
752 implemented only if adopted by the Acquisition and Restoration Council and
753 approved by the board of trustees. The council shall consider and evaluate in
754 writing the merits and demerits of each project that is proposed for Florida Forever
755 funding and each proposed addition to the Conservation and Recreation Lands list
756 program. The council shall ensure that each proposed project will meet a stated
757 public purpose for the restoration, conservation, or preservation of environmentally
758 sensitive lands and water areas or for providing outdoor recreational opportunities
759 and that each proposed addition to the Conservation and Recreation Lands list will
760 meet the public purposes under s. 259.032(3) and, when applicable, s. 259.101(4).
761 The council also shall determine whether the project or addition conforms, where
762 applicable, with the comprehensive plan developed pursuant to s. 259.04(1)(a), the
763 comprehensive multipurpose outdoor recreation plan developed pursuant to s.
764 375.021, the state lands management plan adopted pursuant to s. 253.03(7), the
765 water resources work plans developed pursuant to s. 373.199, and the provisions of
766 this section.

767 (18) On an annual basis, the Division of State Lands shall prepare an annual
768 work plan that prioritizes projects on the Florida Forever list and sets forth the
769 funding available in the fiscal year for land acquisition. The work plan shall consider
770 the following categories of expenditure for land conservation projects already
771 selected for the Florida Forever list pursuant to 1subsection (8):

772 (a) A critical natural lands category, including functional landscape-scale
773 natural systems, intact large hydrological systems, lands that have significant
774 imperiled natural communities, and corridors linking large landscapes, as identified
775 and developed by the best available scientific analysis.

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

777 1. Projects where local and regional cost-share agreements provide a lower
778 cost and greater conservation benefit to the people of the state. Additional
779 consideration shall be provided under this category where parcels are identified as
780 part of a local or regional visioning process and are supported by scientific analysis;
781 and

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

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

789 (d) A climate-change category list of lands where acquisition or other
790 conservation measures will address the challenges of global climate change, such as
791 through protection, restoration, mitigation, and strengthening of Florida's land,
792 water, and coastal resources. This category includes lands that provide
793 opportunities to sequester carbon, provide habitat, protect coastal lands or barrier
794 islands, and otherwise mitigate and help adapt to the effects of sea-level rise and
795 meet other objectives of the program.

796 (e) A less-than-fee category for working agricultural lands that significantly
797 contribute to resource protection through conservation easements and other less-
798 than-fee techniques, tax incentives, life estates, landowner agreements, and other
799 partnerships, including conservation easements acquired in partnership with
800 federal conservation programs, which will achieve the objectives of Florida Forever
801 while allowing the continuation of compatible agricultural uses on the land. Terms
802 of easements proposed for acquisition under this category shall be developed by the
803 Division of State Lands in coordination with the Department of Agriculture and
804 Consumer Services.

805 Projects within each category shall be ranked by order of priority. The work plan
806 shall be adopted by the Acquisition and Restoration Council after at least one public
807 hearing. A copy of the work plan shall be provided to the board of trustees of the
808 Internal Improvement Trust Fund no later than October 1 of each year.

809 (19)(a) The Board of Trustees of the Internal Improvement Trust Fund, or, in
810 the case of water management district lands, the owning water management
811 district, may authorize the granting of a lease, easement, or license for the use of

812 certain lands acquired pursuant to this section, for certain uses that are determined
813 by the appropriate board to be compatible with the resource values of and
814 management objectives for such lands.

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

818 (c) Notwithstanding the provisions of paragraph (a), no such lease, easement,
819 or license shall be entered into by the Department of Environmental Protection or
820 other appropriate state agency if the granting of such lease, easement, or license
821 would adversely affect the exclusion of the interest on any revenue bonds issued to
822 fund the acquisition of the affected lands from gross income for federal income tax
823 purposes, pursuant to Internal Revenue Service regulations.

824 (20) The Acquisition and Restoration Council shall recommend adoption of
825 rules by the board of trustees necessary to implement the provisions of this section
826 relating to: solicitation, scoring, selecting, and ranking of Florida Forever project
827 proposals; disposing of or leasing lands or water areas selected for funding through
828 the Florida Forever program; and the process of reviewing and recommending for
829 approval or rejection the land management plans associated with publicly owned
830 properties. Rules promulgated pursuant to this subsection shall be submitted to the
831 President of the Senate and the Speaker of the House of Representatives, for review
832 by the Legislature, no later than 30 days prior to the 2010 Regular Session and shall
833 become effective only after legislative review. In its review, the Legislature may
834 reject, modify, or take no action relative to such rules. The board of trustees shall

835 conform such rules to changes made by the Legislature, or, if no action was taken by
836 the Legislature, such rules shall become effective.

837 (21) Lands listed as projects for acquisition under the Florida Forever
838 program may be managed for conservation pursuant to s. 259.032, on an interim
839 basis by a private party in anticipation of a state purchase in accordance with a
840 contractual arrangement between the acquiring agency and the private party that
841 may include management service contracts, leases, cost-share arrangements, or
842 resource conservation agreements. Lands designated as eligible under this
843 subsection shall be managed to maintain or enhance the resources the state is
844 seeking to protect by acquiring the land and to accelerate public access to the lands
845 as soon as practicable. Funding for these contractual arrangements may originate
846 from the documentary stamp tax revenue deposited into the Conservation and
847 Recreation Lands Trust Fund and Water Management Lands Trust Fund. No more
848 than 5 percent of funds allocated under the trust funds shall be expended for this
849 purpose.

850

851

852 **SECTION 5. Section 380.0552 is amended to read:**

853 380.0552 Florida Keys Area; protection and designation as area of critical state
854 concern.—

855 (1) SHORT TITLE.—This section may be cited as the “Florida Keys Area
856 Protection Act.”

857 (2) LEGISLATIVE INTENT.—It is the intent of the Legislature to:

858 (a) Establish a land use management system that protects the natural
859 environment of the Florida Keys.

860 (b) Establish a land use management system that conserves and promotes
861 the community character of the Florida Keys.

862 (c) Establish a land use management system that promotes orderly and
863 balanced growth in accordance with the capacity of available and planned public
864 facilities and services.

865 (d) Provide affordable housing in close proximity to places of employment in
866 the Florida Keys.

867 (e) Establish a land use management system that promotes and supports a
868 diverse and sound economic base.

869 (f) Protect the constitutional rights of property owners to own, use, and
870 dispose of their real property.

871 (g) Promote coordination and efficiency among governmental agencies that
872 have permitting jurisdiction over land use activities in the Florida Keys.

873 (h) Promote an appropriate land acquisition and protection strategy for
874 environmentally sensitive lands within the Florida Keys.

875 (i) Protect and improve the nearshore water quality of the Florida Keys
876 through state funding of water quality improvement projects including but not
877 limited to the construction and operation of wastewater management facilities that
878 meet the requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable.

879 (j) Ensure that the population of the Florida Keys can be safely evacuated.

880 (3) RATIFICATION OF DESIGNATION.—The designation of the Florida Keys
881 Area as an area of critical state concern, the boundaries of which are described in
882 chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984,
883 is hereby ratified.

884 (4) REMOVAL OF DESIGNATION.—

885 (a) The designation of the Florida Keys Area as an area of critical state
886 concern under this section may be recommended for removal upon fulfilling the
887 legislative intent under subsection (2) and completion of all the work program tasks
888 specified in rules of the Administration Commission.

889 (b) Beginning November 30, 2010, the state land planning agency shall
890 annually submit a written report to the Administration Commission describing the
891 progress of the Florida Keys Area toward completing the work program tasks
892 specified in commission rules. The land planning agency shall recommend removing
893 the Florida Keys Area from being designated as an area of critical state concern to
894 the commission if it determines that:

895 1. All of the work program tasks have been completed, including construction
896 of, operation of, and connection to central wastewater management facilities

897 pursuant to s. 403.086(10) and upgrade of onsite sewage treatment and disposal
898 systems pursuant to s. 381.0065(4)(l);

899 2. All local comprehensive plans and land development regulations and the
900 administration of such plans and regulations are adequate to protect the Florida
901 Keys Area, fulfill the legislative intent specified in subsection (2), and are consistent
902 with and further the principles guiding development; and

903 3. A local government has adopted a resolution at a public hearing
904 recommending the removal of the designation.

905 (c) After receipt of the state land planning agency report and
906 recommendation, the Administration Commission shall determine whether the
907 requirements have been fulfilled and may remove the designation of the Florida
908 Keys as an area of critical state concern. If the commission removes the designation,
909 it shall initiate rulemaking to repeal any rules relating to such designation within 60
910 days. If, after receipt of the state land planning agency's report and
911 recommendation, the commission finds that the requirements for recommending
912 removal of designation have not been met, the commission shall provide a written
913 report to the local governments within 30 days after making such a finding detailing
914 the tasks that must be completed by the local government.

915 (d) The Administration Commission's determination concerning the removal
916 of the designation of the Florida Keys as an area of critical state concern may be
917 reviewed pursuant to chapter 120. All proceedings shall be conducted by the
918 Division of Administrative Hearings and must be initiated within 30 days after the
919 commission issues its determination.

920 (e) After removal of the designation of the Florida Keys as an area of critical
921 state concern, the state land planning agency shall review proposed local
922 comprehensive plans, and any amendments to existing comprehensive plans, which
923 are applicable to the Florida Keys Area, the boundaries of which were described in
924 chapter 28-29, Florida Administrative Code, as of January 1, 2006, for compliance as
925 defined in s. 163.3184. All procedures and penalties described in s. 163.3184 apply
926 to the review conducted pursuant to this paragraph.

927 (f) The Administration Commission may adopt rules or revise existing rules
928 as necessary to administer this subsection.

929 (5) APPLICATION OF THIS CHAPTER.—Section 380.05(1)-(5), (9)-(11), (15),
930 (17), and (21) shall not apply to the area designated by this section for so long as the
931 designation remains in effect. Except as otherwise provided in this section, s.
932 380.045 shall not apply to the area designated by this section. All other provisions of
933 this chapter shall apply, including s. 380.07.

934 (6) RESOURCE PLANNING AND MANAGEMENT COMMITTEE.—The
935 Governor, acting as the chief planning officer of the state, shall appoint a resource
936 planning and management committee for the Florida Keys Area with the
937 membership as specified in s. 380.045(2). Meetings shall be called as needed by the
938 chair or on the demand of three or more members of the committee. The committee
939 shall:

940 (a) Serve as a liaison between the state and local governments within
941 Monroe County.

942 (b) Develop, with local government officials in the Florida Keys Area,
943 recommendations to the state land planning agency as to the sufficiency of the
944 Florida Keys Area's comprehensive plan and land development regulations.

945 (c) Recommend to the state land planning agency changes to state and
946 regional plans and regulatory programs affecting the Florida Keys Area.

947 (d) Assist units of local government within the Florida Keys Area in carrying
948 out the planning functions and other responsibilities required by this section.

949 (e) Review, at a minimum, all reports and other materials provided to it by
950 the state land planning agency or other governmental agencies.

951 (7) PRINCIPLES FOR GUIDING DEVELOPMENT.—State, regional, and local
952 agencies and units of government in the Florida Keys Area shall coordinate their
953 plans and conduct their programs and regulatory activities consistent with the
954 principles for guiding development as specified in chapter 27F-8, Florida
955 Administrative Code, as amended effective August 23, 1984, which is adopted and
956 incorporated herein by reference. For the purposes of reviewing the consistency of
957 the adopted plan, or any amendments to that plan, with the principles for guiding
958 development, and any amendments to the principles, the principles shall be
959 construed as a whole and specific provisions may not be construed or applied in
960 isolation from the other provisions. However, the principles for guiding
961 development are repealed 18 months from July 1, 1986. After repeal, any plan
962 amendments must be consistent with the following principles:

963 (a) Strengthening local government capabilities for managing land use and
964 development so that local government is able to achieve these objectives without
965 continuing the area of critical state concern designation.

966 (b) Protecting shoreline and marine resources, including mangroves, coral
967 reef formations, seagrass beds, wetlands, fish and wildlife, and their habitat.

968 (c) Protecting upland resources, tropical biological communities, freshwater
969 wetlands, native tropical vegetation (for example, hardwood hammocks and
970 pinelands), dune ridges and beaches, wildlife, and their habitat.

971 (d) Ensuring the maximum well-being of the Florida Keys and its citizens
972 through sound economic development.

973 (e) Limiting the adverse impacts of development on the quality of water
974 throughout the Florida Keys.

975 (f) Enhancing natural scenic resources, promoting the aesthetic benefits of
976 the natural environment, and ensuring that development is compatible with the
977 unique historic character of the Florida Keys.

978 (g) Protecting the historical heritage of the Florida Keys.

979 (h) Protecting the value, efficiency, cost-effectiveness, and amortized life of
980 existing and proposed major public investments, including:

- 981 1. The Florida Keys Aqueduct and water supply facilities;
- 982 2. Sewage collection, treatment, and disposal facilities;
- 983 3. Solid waste treatment, collection, and disposal facilities;
- 984 4. Key West Naval Air Station and other military facilities;
- 985 5. Transportation facilities;

- 986 6. Federal parks, wildlife refuges, and marine sanctuaries;
987 7. State parks, recreation facilities, aquatic preserves, and other publicly
988 owned properties;
989 8. City electric service and the Florida Keys Electric Co-op; and
990 9. Other utilities, as appropriate.

991 (i) Protecting and improving water quality by providing for the construction,
992 operation, maintenance, and replacement of stormwater management facilities;
993 central sewage collection; treatment and disposal facilities; ~~and~~ the installation and
994 proper operation and maintenance of onsite sewage treatment and disposal systems
995 and other water quality projects.

996 (j) Ensuring the improvement of nearshore water quality by requiring the
997 construction and operation of wastewater management facilities that meet the
998 requirements of ss. 381.0065(4)(l) and 403.086(10), as applicable, and by directing
999 growth to areas served by central wastewater treatment facilities through permit
1000 allocation systems.

1001 (k) Limiting the adverse impacts of public investments on the environmental
1002 resources of the Florida Keys.

1003 (l) Making available adequate affordable housing for all sectors of the
1004 population of the Florida Keys.

1005 (m) Providing adequate alternatives for the protection of public safety and
1006 welfare in the event of a natural or manmade disaster and for a postdisaster
1007 reconstruction plan.

1008 (n) Protecting the public health, safety, and welfare of the citizens of the
1009 Florida Keys and maintaining the Florida Keys as a unique Florida resource.

1010 (8) COMPREHENSIVE PLAN ELEMENTS AND LAND DEVELOPMENT
1011 REGULATIONS.— The comprehensive plan elements and land development
1012 regulations approved pursuant to s. 380.05(6), (8), and (14) shall be the
1013 comprehensive plan elements and land development regulations for the Florida
1014 Keys Area.

1015 (9) MODIFICATION TO PLANS AND REGULATIONS.—

1016 (a) Any land development regulation or element of a local comprehensive
1017 plan in the Florida Keys Area may be enacted, amended, or rescinded by a local
1018 government, but the enactment, amendment, or rescission becomes effective only
1019 upon approval by the state land planning agency. The state land planning agency
1020 shall review the proposed change to determine if it is in compliance with the
1021 principles for guiding development specified in chapter 27F-8, Florida
1022 Administrative Code, as amended effective August 23, 1984, and must approve or
1023 reject the requested changes within 60 days after receipt. Amendments to local
1024 comprehensive plans in the Florida Keys Area must also be reviewed for compliance
1025 with the following:

1026 1. Construction schedules and detailed capital financing plans for wastewater
1027 management improvements in the annually adopted capital improvements element,
1028 and standards for the construction of wastewater treatment and disposal facilities
1029 or collection systems that meet or exceed the criteria in s. 403.086(10) for

1030 wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage
1031 treatment and disposal systems.

1032 2. Goals, objectives, and policies to protect public safety and welfare in the
1033 event of a natural disaster by maintaining a hurricane evacuation clearance time for
1034 permanent residents of no more than 24 hours. The hurricane evacuation clearance
1035 time shall be determined by a hurricane evacuation study conducted in accordance
1036 with a professionally accepted methodology and approved by the state land
1037 planning agency.

1038 (b) The state land planning agency, after consulting with the appropriate
1039 local government, may, no more than once per year, recommend to the
1040 Administration Commission the enactment, amendment, or rescission of a land
1041 development regulation or element of a local comprehensive plan. Within 45 days
1042 following the receipt of such recommendation, the commission shall reject the
1043 recommendation, or accept it with or without modification and adopt it by rule,
1044 including any changes. Such local development regulation or plan must be in
1045 compliance with the principles for guiding development.

1046

1047 **SECTION 6. Section 380.0666 is amended to read:**

1048 380.0666 Powers of land authority.— The land authority shall have all the powers
1049 necessary or convenient to carry out and effectuate the purposes and provisions of
1050 this act, including the following powers, which are in addition to all other powers
1051 granted by other provisions of this act:

1052 (1) To sue and be sued; to have a seal, to alter the same at pleasure, and to
1053 authorize the use of a facsimile thereof; and to make and execute contracts and
1054 other instruments necessary or convenient to the exercise of the powers of the land
1055 authority.

1056 (2) To undertake and carry out studies and analyses of county land planning
1057 needs within areas of critical state concern and ways of meeting those needs.

1058 (3) To acquire and dispose of real and personal property or any interest
1059 therein when such acquisition is necessary or appropriate to protect the natural
1060 environment, provide public access or public recreational facilities, preserve
1061 wildlife habitat areas, provide affordable housing to families whose income does not
1062 exceed 160 percent of the median family income for the area, or provide access to
1063 management of acquired lands; to acquire interests in land by means of land
1064 exchanges; and to enter into all alternatives to the acquisition of fee interests in
1065 land, including, but not limited to, the contribution of funds to the Department of
1066 Environmental Protection for the purchase of lands by the Department, the
1067 acquisition of easements, development rights, life estates, leases, and leaseback
1068 arrangements. However, the land authority shall make such an acquisition or
1069 contribution to the Department only if:

1070 (a) Such acquisition is consistent with land development regulations and
1071 local comprehensive plans adopted and approved pursuant to this chapter;

1072 (b) The property acquired is within an area designated as an area of critical
1073 state concern at the time of acquisition or is within an area that was designated as
1074 an area of critical state concern for at least 20 consecutive years prior to removal of
1075 the designation; and

1076 (c) The property to be acquired has not been selected for purchase through
1077 another local, regional, state, or federal public land acquisition program. Such
1078 restriction shall not apply if the land authority cooperates with the other public land
1079 acquisition programs which listed the lands for acquisition, to coordinate the
1080 acquisition and disposition of such lands. In such cases, the land authority may enter
1081 into contractual or other agreements to acquire lands jointly or for eventual resale
1082 to other public land acquisition programs.

1083 (4) To borrow money through the issuance of bonds for the purposes
1084 provided in this act, to provide for and secure the payment thereof, and to provide
1085 for the rights of the holders thereof.

1086 (5) To purchase bonds of the land authority out of any funds or moneys of
1087 the land authority available therefor and to hold, cancel, or resell such bonds.

1088 (6) To invest any funds held in reserves or sinking funds, or any funds not
1089 required for immediate disbursement, in such investments as may be authorized for
1090 trust funds under s. 215.47, and in any authorized investments, if such investments
1091 are made on behalf of the land authority by the State Board of Administration or by
1092 another trustee appointed for that purpose.

1093 (7) To contract for and to accept gifts, grants, loans, or other aid from the
1094 United States Government or any person or corporation, including gifts of real
1095 property or any interest therein.

1096 (8) To insure and procure insurance against any loss in connection with any
1097 bonds of the land authority and the land authority's operations, including without
1098 limitation:

1099 (a) The repayment of any loans to mortgage lenders or mortgage loans;

1100 (b) Any project;

1101 (c) Any bonds of the land authority;

1102 in such amounts and from such insurers, including the Federal Government, as it
1103 may deem necessary or desirable and to pay any premiums therefor.

1104 (9) To engage the services of private consultants on a contract basis for
1105 rendering professional and technical assistance and advice.

1106 (10) To make and execute agreements, contracts, and other instruments
1107 necessary or convenient in the exercise of the powers and functions of the land
1108 authority under this act, including contracts with any person, firm, corporation,
1109 local government, or other entity; and all local governments established under the
1110 laws of the state are hereby authorized to enter into and do all things necessary to
1111 perform such contracts and otherwise cooperate with the land authority to facilitate
1112 the accomplishment of the purposes of this act.

1113 (11) To undertake any actions necessary to conduct a feasibility and design
1114 study for a solid waste management facility in an area of critical state concern and, if
1115 such project is feasible, to carry out such project.

1116 (12) To identify parcels of land within the area or areas of critical state
1117 concern that would be appropriate acquisitions by the state ~~from the Conservation~~
1118 ~~and Recreational Lands Trust Fund~~ and recommend such acquisitions to the
1119 advisory council established pursuant to s. 259.035 or its successor.

1120 (13) To do any and all things necessary or convenient to carry out the
1121 purposes of, and exercise the powers given and granted in, this act.

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1123 **SECTION 7.**

1124 If in any year beginning with FY 2015-2016 through FY 2035-2036, \$XX million in
1125 bonds are not authorized to be issued pursuant to s. 215.619, \$XX million shall be
1126 appropriated to the Department of Environmental Protection to be distributed to
1127 local governments in the Monroe County Area of Critical State Concern and Key
1128 West Area of Critical State Concern for projects to protect or enhance water quality
1129 or fisheries.

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