

By the Committee on Environment and Natural Resources

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1 A bill to be entitled
2 An act relating to Florida Forever; amending s.
3 259.105, F.S.; revising legislative findings under the
4 Florida Forever Act to include wildlife crossings as a
5 land acquisition purpose; requiring the Department of
6 Environmental Protection to consult with specified
7 entities for certain projects related to conservation
8 lands and coastal areas subject to flooding; requiring
9 that certain allocations from the Florida Forever
10 Trust Fund include a specified amount for lands in
11 this state which have been impacted by a hurricane
12 during a specified timeframe and meet certain
13 requirements; revising legislative intent regarding
14 the use of certain funds; requiring the Acquisition
15 and Restoration Council to give increased priority to
16 certain projects that maximize the benefits associated
17 with the acquisition of certain conservation lands or
18 coastal areas; providing an effective date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Paragraph (a) of subsection (2), paragraph (b)
23 of subsection (3), and paragraph (b) of subsection (4) of
24 section 259.105, Florida Statutes, are amended, and paragraph
25 (i) is added to subsection (2) and paragraph (g) is added to
26 subsection (10) of that section, to read:

27 259.105 The Florida Forever Act.—

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

29 1. Land acquisition programs have provided tremendous

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30 financial resources for purchasing environmentally significant
31 lands to protect those lands from imminent development or
32 alteration, thereby ensuring present and future generations'
33 access to important waterways, open spaces, and recreation and
34 conservation lands.

35 2. The continued alteration and development of the state's
36 natural and rural areas to accommodate the state's growing
37 population have contributed to the degradation of water
38 resources, the fragmentation and destruction of wildlife
39 habitats, the loss of outdoor recreation space, and the
40 diminishment of wetlands, forests, working landscapes, and
41 coastal open space.

42 3. The potential development of the state's remaining
43 natural areas and escalation of land values require government
44 efforts to restore, bring under public protection, or acquire
45 lands and water areas to preserve the state's essential
46 ecological functions and invaluable quality of life.

47 4. It is essential to protect the state's ecosystems by
48 promoting a more efficient use of land, to ensure opportunities
49 for viable agricultural activities on working lands, and to
50 promote vital rural and urban communities that support and
51 produce development patterns consistent with natural resource
52 protection.

53 5. The state's groundwater, surface waters, and springs are
54 under tremendous pressure due to population growth and economic
55 expansion and require special protection and restoration
56 efforts, including the protection of uplands and springsheds
57 that provide vital recharge to aquifer systems and are critical
58 to the protection of water quality and water quantity of the

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59 aquifers and springs. To ensure that sufficient quantities of
60 water are available to meet the current and future needs of the
61 natural systems and citizens of the state, and assist in
62 achieving the planning goals of the department and the water
63 management districts, water resource development projects on
64 public lands, if compatible with the resource values of and
65 management objectives for the lands, are appropriate.

66 6. The needs of urban, suburban, and small communities in
67 the state for high-quality outdoor recreational opportunities,
68 greenways, trails, and open space have not been fully met by
69 previous acquisition programs. Through such programs as the
70 Florida Communities Trust and the Florida Recreation Development
71 Assistance Program, the state shall place additional emphasis on
72 acquiring, protecting, preserving, and restoring open space,
73 ecological greenways, and recreation properties within urban,
74 suburban, and rural areas where pristine natural communities or
75 water bodies no longer exist because of the proximity of
76 developed property.

77 7. Many of the state's unique ecosystems, such as the
78 Florida Everglades, are facing ecological collapse due to the
79 state's burgeoning population growth and other economic
80 activities. To preserve these valuable ecosystems for future
81 generations, essential parcels of land must be acquired to
82 facilitate ecosystem restoration.

83 8. Access to public lands to support a broad range of
84 outdoor recreational opportunities and the development of
85 necessary infrastructure, if compatible with the resource values
86 of and management objectives for such lands, promotes an
87 appreciation for the state's natural assets and improves the

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88 quality of life.

89 9. Acquisition of lands, in fee simple, less than fee
90 interest, or other techniques shall be based on a comprehensive
91 science-based assessment of the state's natural resources which
92 targets essential conservation lands by prioritizing all current
93 and future acquisitions based on a uniform set of data and
94 planned so as to protect the integrity and function of
95 ecological systems and working landscapes, and provide multiple
96 benefits, including preservation of fish and wildlife habitat,
97 connection of wildlife habitat with a wildlife crossing,
98 recreation space for urban and rural areas, and the restoration
99 of natural water storage, flow, and recharge.

100 10. The state has embraced performance-based program
101 budgeting as a tool to evaluate the achievements of publicly
102 funded agencies, build in accountability, and reward those
103 agencies which are able to consistently achieve quantifiable
104 goals. While previous and existing state environmental programs
105 have achieved varying degrees of success, few of these programs
106 can be evaluated as to the extent of their achievements,
107 primarily because performance measures, standards, outcomes, and
108 goals were not established at the outset. Therefore, the Florida
109 Forever program shall be developed and implemented in the
110 context of measurable state goals and objectives.

111 11. The state must play a major role in the recovery and
112 management of its imperiled species through the acquisition,
113 restoration, enhancement, and management of ecosystems that can
114 support the major life functions of such species. It is the
115 intent of the Legislature to support local, state, and federal
116 programs that result in net benefit to imperiled species habitat

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117 by providing public and private land owners meaningful
118 incentives for acquiring, restoring, managing, and repopulating
119 habitats for imperiled species. It is the further intent of the
120 Legislature that public lands, both existing and to be acquired,
121 identified by the lead land managing agency, in consultation
122 with the Fish and Wildlife Conservation Commission for animals
123 or the Department of Agriculture and Consumer Services for
124 plants, as habitat or potentially restorable habitat for
125 imperiled species, be restored, enhanced, managed, and
126 repopulated as habitat for such species to advance the goals and
127 objectives of imperiled species management for conservation,
128 recreation, or both, consistent with the land management plan
129 without restricting other uses identified in the management
130 plan. It is also the intent of the Legislature that of the
131 proceeds distributed pursuant to subsection (3), additional
132 consideration be given to acquisitions that achieve a
133 combination of conservation goals, including the restoration,
134 enhancement, management, or repopulation of habitat for
135 imperiled species. The council, in addition to the criteria in
136 subsection (9), shall give weight to projects that include
137 acquisition, restoration, management, or repopulation of habitat
138 for imperiled species. The term "imperiled species" as used in
139 this chapter and chapter 253, means plants and animals that are
140 federally listed under the Endangered Species Act, or state-
141 listed by the Fish and Wildlife Conservation Commission or the
142 Department of Agriculture and Consumer Services. As part of the
143 state's role, all state lands that have imperiled species
144 habitat shall include as a consideration in management plan
145 development the restoration, enhancement, management, and

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146 repopulation of such habitats. In addition, the lead land
147 managing agency of such state lands may use fees received from
148 public or private entities for projects to offset adverse
149 impacts to imperiled species or their habitat in order to
150 restore, enhance, manage, repopulate, or acquire land and to
151 implement land management plans developed under s. 253.034 or a
152 land management prospectus developed and implemented under this
153 chapter. Such fees shall be deposited into a foundation or fund
154 created by each land management agency under s. 379.223, s.
155 589.012, or s. 259.032(9)(c), to be used solely to restore,
156 manage, enhance, repopulate, or acquire imperiled species
157 habitat.

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

162 (i) The department shall consult with the Division of
163 Emergency Management, the Department of Agriculture and Consumer
164 Services, the Fish and Wildlife Conservation Commission, the
165 Department of Transportation, the Department of Economic
166 Opportunity, and the relevant water management districts on
167 projects related to conservation lands and coastal areas subject
168 to flooding as a result of sea-level rise. The goal of this
169 consultation is to maximize the benefits of such projects by
170 coordinating, wherever possible, acquisitions that complement
171 the planned projects of these agencies.

172 (3) Less the costs of issuing and the costs of funding
173 reserve accounts and other costs associated with bonds, the
174 proceeds of cash payments or bonds issued pursuant to this

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175 section shall be deposited into the Florida Forever Trust Fund
176 created by s. 259.1051. The proceeds shall be distributed by the
177 Department of Environmental Protection in the following manner:

178 (b) Thirty-five percent to the Department of Environmental
179 Protection for the acquisition of lands and capital project
180 expenditures described in this section. Of the proceeds
181 distributed pursuant to this paragraph, it is the intent of the
182 Legislature that an increased priority be given to those
183 acquisitions that ~~which~~ achieve a combination of conservation
184 goals, including protecting Florida's water resources and
185 natural groundwater recharge.

186 1. At a minimum, 3 percent, and no more than 10 percent, of
187 the funds allocated pursuant to this paragraph shall be spent on
188 capital project expenditures identified during the time of
189 acquisition which meet land management planning activities
190 necessary for public access.

191 2. Beginning in the 2017-2018 fiscal year and continuing
192 through the 2026-2027 fiscal year, at least \$5 million of the
193 funds allocated pursuant to this paragraph shall be spent on
194 land acquisition within the Florida Keys Area of Critical State
195 Concern as authorized pursuant to s. 259.045.

196 3. Beginning in the 2020-2021 fiscal year, and in each
197 fiscal year thereafter, at least \$10 million of the funds
198 allocated pursuant to this paragraph shall be spent on the
199 acquisition of lands or conservation easements in this state in
200 areas that were impacted by a hurricane within the 5 years
201 before the fiscal year for which funds for the acquisition are
202 appropriated and that are either conservation lands as defined
203 in s. 253.034(2)(c) or coastal areas subject to flooding as a

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204 result of sea-level rise. For the purposes of this subsection, a
205 hurricane-impacted area is the area specifically identified by
206 the Governor pursuant to an executive order.

207 (4) It is the intent of the Legislature that projects or
208 acquisitions funded pursuant to paragraphs (3) (a) and (b)
209 contribute to the achievement of the following goals, which
210 shall be evaluated in accordance with specific criteria and
211 numeric performance measures developed pursuant to s.

212 259.035(4):

213 (b) Increase the protection of this state's ~~Florida's~~
214 biodiversity at the species, natural community, and landscape
215 levels, as measured by:

216 1. The number of acres acquired of significant strategic
217 habitat conservation areas;

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

220 3. The number of acres acquired of significant landscapes,
221 landscape linkages, wildlife crossings, and conservation
222 corridors, giving priority to completing linkages;

223 4. The number of acres acquired of underrepresented native
224 ecosystems;

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

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

231
232 Florida Forever projects and acquisitions funded pursuant to

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233 paragraph (3)(c) shall be measured by goals developed by rule by
234 the Florida Communities Trust Governing Board created in s.
235 380.504.

236 (10) The council shall give increased priority to:

237 (g) Projects that maximize the benefits associated with the
238 acquisition of conservation lands or coastal areas subject to
239 flooding as a result of sea-level rise through coordinated
240 planning efforts with the Division of Emergency Management, the
241 Department of Agriculture and Consumer Services, the Fish and
242 Wildlife Conservation Commission, the Department of
243 Transportation, the Department of Economic Opportunity, or the
244 water management districts.

245 Section 2. This act shall take effect July 1, 2020.