

Tab 1 **SB 100** by **Steube**; (Compare to H 00603) Identification Card and Driver License Fees for Veterans

Tab 2 **SB 146** by **Bean (CO-INTRODUCERS) Bradley**; (Identical to H 00057) Appointment of Attorneys for Dependent Children with Special Needs

Tab 3 **SB 330** by **Gainer**; (Identical to H 00109) Transportation Facility Designations/Lieutenant Ewart T. Sconiers Highway

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Tab 4 **SB 370** by **Bradley (CO-INTRODUCERS) Stewart, Perry, Bean, Taddeo, Mayfield**; (Identical to H 01353) Land Acquisition Trust Fund

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The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

APPROPRIATIONS
Senator Bradley, Chair
Senator Flores, Vice Chair

MEETING DATE: Thursday, January 11, 2018
TIME: 1:00—3:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Bradley, Chair; Senator Flores, Vice Chair; Senators Baxley, Bean, Benacquisto, Book, Bracy, Brandes, Braynon, Gainer, Galvano, Gibson, Grimsley, Montford, Passidomo, Powell, Simmons, Simpson, Stargel, and Stewart

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 100 Steube (Compare H 603)	Identification Card and Driver License Fees for Veterans; Deleting fees for adding the word "Veteran" to an identification card or a driver license; revising acceptable forms of identification required to add the word "Veteran" to an identification card or a driver license; prohibiting tax collectors from charging certain driver license service fees to veterans who present specified forms of identification, etc.	MS 10/26/2017 Favorable ATD 12/07/2017 Favorable AP 01/11/2018
	With subcommittee recommendation – Transportation, Tourism, and Economic Development		
2	SB 146 Bean (Identical H 57)	Appointment of Attorneys for Dependent Children with Special Needs; Designating this act as the "Pro Bono Matters Act of 2018"; requiring the payment of due process costs of litigation of all pro bono attorneys appointed to represent dependent children with certain special needs, subject to appropriations and review for reasonableness, etc.	JU 09/13/2017 JU 10/24/2017 Favorable ACJ 12/07/2017 Favorable AP 01/11/2018
	With subcommittee recommendation – Criminal and Civil Justice		
A proposed committee substitute for the following bill (SB 330) is available:			
3	SB 330 Gainer (Identical H 109)	Transportation Facility Designations/Lieutenant Ewart T. Sconiers Highway; Providing an honorary designation of a certain transportation facility in a specified county, etc.	TR 10/24/2017 Favorable ATD 11/15/2017 Fav/CS AP 01/11/2018

COMMITTEE MEETING EXPANDED AGENDA

Appropriations

Thursday, January 11, 2018, 1:00—3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
			With subcommittee recommendation – Transportation, Tourism, and Economic Development
4	SB 370 Bradley (Identical H 1353)	Land Acquisition Trust Fund; Requiring a specified annual appropriation to the Florida Forever Trust Fund, etc. EP 11/06/2017 Favorable AEN 12/07/2017 Favorable AP 01/11/2018	
			With subcommittee recommendation – Environment and Natural Resources
			Other Related Meeting Documents

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 100

INTRODUCER: Senator Steube

SUBJECT: Identification Card and Driver License Fees for Veterans

DATE: January 10, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanders</u>	<u>Ryon</u>	<u>MS</u>	Favorable
2.	<u>Wells</u>	<u>Hrdlicka</u>	<u>ATD</u>	Recommend: Favorable
3.	<u>Wells</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting

I. Summary:

SB 100 eliminates the \$1 or \$2 fee a veteran must pay to have the word “Veteran” displayed on an identification card or driver license issued by the Department of Highway Safety and Motor Vehicles (DHSMV). The bill also expands the forms of identification that a veteran may present to the DHSMV as proof of veteran status for the purpose of receiving the “Veteran” designation on an identification card or driver license to include:

- A veteran health identification card issued by the U.S. Department of Veterans Affairs; and
- A veteran identification card issued by the U.S. Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015.

Additionally, the bill prohibits tax collectors from charging a veteran the \$6.25 service fee for driver license services rendered pursuant to ch. 322, F.S., upon presentation of specified documentation proving that the individual is a veteran.

The Revenue Estimating Conference has estimated that the bill will reduce state trust fund revenues by \$100,000 annually beginning in Fiscal Year 2018-19, and county revenues by \$400,000 annually in Fiscal Years 2018-19 through 2020-21 and by \$300,000 annually thereafter. The DHSMV expects to incur costs of \$10,275 for the programming required to implement the provisions of the bill.

The bill takes effect on July 1, 2018.

II. Present Situation:

“Veteran” Designation on Florida Identification Cards and Driver Licenses

A veteran may receive a designation on his or her identification card or driver license that exhibits the word “Veteran.”¹ The designation is available at the request of a veteran who presents a copy of his or her DD Form 214 (Certificate of Release or Discharge from Active Duty) or another acceptable form specified by the Florida Department of Veterans’ Affairs and pays the applicable fee. A veteran must pay a \$1 fee to receive the “Veteran” designation on an initial or renewal identification card or driver license. If a veteran desires to obtain the “Veteran” designation prior to renewal, the veteran must pay a \$2 fee for a replacement and surrender the current identification card or driver license. If a veteran receives a replacement identification card or driver license solely for the purpose of receiving the “Veteran” designation, the \$25 replacement fee required in ss. 322.21(1)(e) and 322.21(1)(f)3., F.S., is waived.² The \$2 replacement fee covers the \$1.25 cost of the card stock used to produce identification cards and driver licenses.³ Revenue generated from the \$1 and \$2 fees is deposited into the Highway Safety Operating Trust Fund.

As of July 2017, 377,951 veterans have been issued Florida identification cards or driver licenses with a “Veteran” designation.⁴

Tax Collector Fees for Driver License Services

In 2010, the Legislature required all state driver license issuance services be transferred to tax collectors who are constitutional officers under Art. VIII, s. 1(d) of the State Constitution by June 30, 2015.⁵ As part of that transfer, tax collectors retain portions of specified fees when processing certain driver license services.⁶ Section 322.135(1)(c), F.S., requires tax collectors to charge a \$6.25 service fee for completing such services. However, the \$6.25 service fee may not be charged:

- More than once per customer per visit;
- For a reexamination requested by the Medical Advisory Board or required by the DHSMV;
- For a voter registration transaction; or
- In violation of any federal or state law.⁷

¹ In 2015, the Legislature amended ss. 322.051 and 322.14, F.S., to require the entire word “Veteran” to be displayed on an identification card or driver license, instead of the “V” designation. The DHSMV recently released a new design of the identification card or driver license which can now accommodate the entire word “Veteran.” The DHSMV expects the implementation of the new design to be completed by December 2017. *See* s. 4, ch. 2015-85 L.O.F. *See* also DHSMV, 2018 Agency Legislative Bill Analysis: SB 100 (Oct. 23, 2017).

² *See* ss. 322.051(8)(b) and 322.14(1)(d), F.S.

³ DHSMV, 2018 Agency Legislative Bill Analysis at p. 7.

⁴ DHSMV, 2018 Agency Legislative Bill Analysis at p. 2.

⁵ Chapter 2010-163, L.O.F., and s. 322.02(1), F.S. Volusia, Broward, and Miami-Dade counties do not have a tax collector who is a constitutional officer under Art. VIII, s. 1(d) of the State Constitution. Additionally, the tax collectors of Glades, Franklin, and Gilchrist counties are exempt from providing services on behalf of the DHSMV due to their statuses as fiscally constrained counties. *See* s. 322.135(7), F.S.

⁶ Driver license services provided under ch. 322, F.S., include the issuance of driver licenses and identification cards, examinations for driver licenses, educational programs, and administrative functions associated with such activities.

⁷ Section 322.135(1)(c), F.S.

Proof of Veteran Status

Florida has the third largest population of veterans in the nation after California and Texas with more than 1.5 million veterans.⁸ There are various forms of identification issued by the Federal government and the state of Florida that can be used as proof of veteran status.

DD Form 214, Certificate of Release or Discharge from Active Duty

The DD Form 214 is issued by the Department of Defense (DoD) to each military servicemember upon separation from active duty service. This form contains the veteran's dates of service, last duty assignment, pay grade and rank, awards received, and characterization of service (i.e., honorable, general under honorable conditions, dishonorable, etc.).⁹

Veteran Health Identification Card¹⁰

The veteran health identification card (VHIC) is issued by the U.S. Department of Veterans Affairs (USDVA) to veterans who are enrolled in the USDVA health care system for identification and check-in at USDVA appointments. In order to receive a VHIC, the veteran must apply for enrollment in the USDVA health care system and provide a primary and secondary form of identification. Once the veteran's enrollment is verified, he or she must have his or her picture taken at the local USDVA medical center for inclusion on the VHIC.

Veterans Identification Card Act of 2015

In 2015, Congress enacted the "Veterans Identification Card Act of 2015,"¹¹ which directs the Secretary of the USDVA to issue a veteran identification card to each veteran who requests one, presents a copy of his or her DD Form 214 or other official document from the official military personnel file of the veteran that describes his or her service, and pays the fee set by the Secretary of the USDVA.¹² The identification card will display the photograph and name of the veteran, and contain an identification number that is not a social security number. The card is not proof of any benefits to which the veteran is entitled but does serve as proof that such veteran:

- Served in the Armed Forces; and
- Has a DD Form 214 or other official document in the official military personnel file of the veteran that describes the service of the veteran.¹³

⁸ U.S. Department of Veterans Affairs, National Center for Veterans Analysis and Statistics, *Veteran Population* (2016), available at http://www.va.gov/vetdata/Veteran_Population.asp (last visited Oct. 23, 2017).

⁹ Department of Defense Instruction 1336.01, *Certificate of Release or Discharge from Active Duty* (Dec. 29, 2014), available at <http://www.esd.whs.mil/Portals/54/Documents/DD/issuances/dodi/133601p.pdf> (last visited Oct. 24, 2017).

¹⁰ U.S. Department of Veterans Affairs, *Health Benefits: Veterans Health Identification Card*, available at <http://www.va.gov/healthbenefits/vhic/index.asp> (last visited Oct. 24, 2017).

¹¹ H.R.91, *Veterans Identification Card Act 2015* (Pub. L. No. 114-31, July 20, 2015), available at <https://www.congress.gov/bill/114th-congress/house-bill/91> (last visited Oct. 24, 2017).

¹² 38 U.S.C. s. 5706.

¹³ *Id.*

The USDVA opened the application process for the cards on November 29, 2017; “[v]eterans who apply for a card should receive it within 60 days and can check delivery status of their cards at vets.gov.”¹⁴

Additional Forms of Identification

Other common types of federal and state identification used to show proof of veteran status include the following:

- DD Form 2 (Retired), Uniformed Services ID: This card is issued by the DoD to retired members of the U.S. Uniformed Services¹⁵ entitled to retired pay, members on the Temporary Disability Retired List, and members on the Permanent Disability Retired List;¹⁶
- DD Form 2 (Reserve Retired), Uniformed Services ID: This card is issued by the DoD to retired members of the Reserves and the National Guard who are under the age of 60;¹⁷
- DD Form 2765, Uniformed Services ID and Privilege Card: This card is issued by the DoD to Medal of Honor recipients, 100-percent disabled veterans, former members in receipt of retired pay, and other limited benefits-eligible categories described in DoD policy;¹⁸
- 100-percent Disabled Veterans State Identification Card: This card is issued by the Florida Department of Veterans’ Affairs to any Florida veteran who has a 100-percent total and permanent service-connected disability rating from the USDVA or the DoD;¹⁹ or
- “Veteran” Designation on Florida Identification Card or Driver License.²⁰

III. Effect of Proposed Changes:

Sections 1 and 2 amend ss. 322.051 and 322.14, F.S., respectively, to eliminate the \$1 fee charged to veterans to receive the “Veteran” designation on an initial or renewal identification card or driver license. These sections also eliminate the \$2 fee charged for the “Veteran” designation on a replacement identification card or driver license when the veteran surrenders his or her current identification card or driver license.

Additionally, sections 1 and 2 expand the forms of identification a veteran may present to the DHSMV to prove veteran status for the purpose of receiving the “Veteran” designation on an identification card or driver license. A veteran may present the following forms of identification to receive the “Veteran” designation:

- Veteran health identification card issued by the U.S. Department of Veterans Affairs; and
- Veteran identification card issued by the U.S. Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015, Pub. L. No. 114-31.

¹⁴ USDVA, *VA announces rollout and application process for new Veterans ID Card* (Nov. 29, 2017), available at <https://www.blogs.va.gov/VAntage/43442/va-announces-rollout-application-process-new-veterans-id-card/> (last visited Dec. 1, 2017).

¹⁵ The uniformed services include the Army, Marines, Navy, Air Force, Coast Guard, Public Health Service, and the National Oceanic and Atmospheric Administration. See 10 U.S.C. s. 101(a)(5).

¹⁶ The design of the Uniformed Services ID cards include a picture, branch affiliation, paygrade/rank, expiration date, DoD identification number, date of birth, benefits number, blood type, Geneva Convention category, and date of issue. See, DoD Common Access Card, *Uniformed Services ID Card*, available at <http://www.cac.mil/uniformed-services-id-card/> (last visited Oct. 24, 2017).

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ See s. 295.17, F.S.

²⁰ See ss. 322.14(1)(d) and 322.051(8)(b), F.S.

Section 3 amends s. 322.135, F.S., to prohibit tax collectors from charging a veteran the \$6.25 service fee for identification card and driver license services rendered pursuant to ch. 322, F.S., upon presentation of a copy of the veteran's:

- DD Form 214, issued by the U.S. Department of Defense;
- Veteran health identification card issued by the U.S. Department of Veterans Affairs;
- Veteran identification card issued by the U.S. Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015, Pub. L. No. 114-31; or
- Other acceptable form specified by the Florida Department of Veterans' Affairs.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(b) of the State Constitution restricts the authority of the legislature to enact a general law, except upon approval by a two-thirds vote of the membership of each house of the legislature, if the anticipated effect of the bill would be to reduce the authority of counties to raise revenue, as such authority exists on February 1, 1989.

Specifically, this bill prohibits a county tax collector from charging a \$6.25 service fee to veterans for services rendered relating to the issuance of identification cards and driver licenses. However, as noted above in "II. Present Situation", the authority to impose the service fee on these transactions was not implemented by the counties until 2010 or later.

Article VII, s. 19(d) of the State Constitution exempts from the extraordinary vote requirement laws having an insignificant fiscal impact, which was \$2 million or less for FY 2017-2018. The Revenue Estimating Conference has estimated that local governments (specifically counties) will lose approximately \$400,000 annually in Fiscal Years 2018-2019 through 2020-2021, and \$300,000 annually in Fiscal Years 2021-2022 through 2022-2023.²¹

Thus, the bill implicates the constitutional mandate restrictions but appears to be exempt from the extraordinary vote requirement imposed by Art. VII, s. 18(b) of the State Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

²¹ Revenue Estimating Conference, *Highway Safety Fees, Exemption for Veterans: SB 100*, Nov. 3, 2017.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference has estimated that sections 1 and 2 (eliminating the \$1 and \$2 fees for the veteran designation on the identification card and driver license) will reduce state trust fund revenues by \$100,000 annually beginning in FY 2018-19.²² Section 3 (eliminating the \$6.25 service charge for veterans) is estimated to reduce local governments' revenues by \$400,000 annually in fiscal years 2018-2019 through 2020-2021 and by \$300,000 annually in fiscal years 2021-2022 through 2022-2023.²³

B. Private Sector Impact:

Veterans requesting the "Veteran" designation on an identification card or a driver license will no longer pay a \$1 or \$2 fee for the designation when a driver license or identification card is being issued, renewed, or replaced. Additionally, a veteran will be exempt from paying the \$6.25 service fee for services rendered pursuant to ch. 322, F.S., by a tax collector.

C. Government Sector Impact:

The DHSMV states that the programming required to update the Florida Driver License Information System to waive the \$1 fee for a veterans' driver license or identification card and the \$2 fee for a veteran's replacement driver license or identification card with the word "Veteran" displayed on it will cost approximately \$10,275.²⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 322.051, 322.14, and 322.135.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

²² Revenue Estimating Conference, *Highway Safety Fees, Exemption for Veterans: SB 100*, Nov. 3, 2017.

²³ *Id.*

²⁴ DHSMV, *2018 Agency Legislative Bill Analysis* at p. 6.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Steube

23-00025-18

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1 A bill to be entitled
 2 An act relating to identification card and driver
 3 license fees for veterans; amending ss. 322.051 and
 4 322.14, F.S.; deleting fees for adding the word
 5 "Veteran" to an identification card or a driver
 6 license; revising acceptable forms of identification
 7 required to add the word "Veteran" to an
 8 identification card or a driver license; amending s.
 9 322.135, F.S.; prohibiting tax collectors from
 10 charging certain driver license service fees to
 11 veterans who present specified forms of
 12 identification; providing an effective date.

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

16 Section 1. Paragraph (b) of subsection (8) of section
 17 322.051, Florida Statutes, is amended to read:

18 322.051 Identification cards.—

19 (8)

20 (b)1. The word "Veteran" must shall be exhibited on the
 21 identification card of a veteran upon ~~the payment of an~~
 22 ~~additional \$1 fee for the identification card and the~~
 23 presentation of a copy of the person's;

24 a. DD Form 214, issued by the United States Department of
 25 Defense;

26 b. Veteran health identification card, issued by the United
 27 States Department of Veterans Affairs;

28 c. Veteran identification card, issued by the United States
 29 Department of Veterans Affairs pursuant to the Veterans

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Identification Card Act of 2015, Pub. L. 114-31; or

31 d. Other ~~another~~ acceptable form specified by the
 32 Department of Veterans' Affairs.

33 2. Until a veteran's identification card is next renewed,
 34 the veteran may have the word "Veteran" added to his or her
 35 identification card upon surrender of his or her current
 36 identification card, ~~payment of a \$2 fee to be deposited into~~
 37 ~~the Highway Safety Operating Trust Fund,~~ and presentation of any
 38 of the forms of identification specified in subparagraph 1 a
 39 copy of his or her DD Form 214 or another acceptable form
 40 specified by the Department of Veterans' Affairs. If the
 41 applicant is not conducting any other transaction affecting the
 42 identification card, a replacement identification card must
 43 shall be issued with the word "Veteran" without payment of the
 44 fee required in s. 322.21(1)(f)3.

45 Section 2. Paragraph (d) of subsection (1) of section
 46 322.14, Florida Statutes, is amended to read:

47 322.14 Licenses issued to drivers.—

48 (1)

49 (d)1. The word "Veteran" must shall be exhibited on the
 50 driver license of a veteran upon ~~the payment of an additional \$1~~
 51 ~~fee for the license and the presentation of a copy of the~~
 52 person's;

53 a. DD Form 214, issued by the United States Department of
 54 Defense;

55 b. Veteran health identification card, issued by the United
 56 States Department of Veterans Affairs;

57 c. Veteran identification card, issued by the United States
 58 Department of Veterans Affairs pursuant to the Veterans

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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59 Identification Card Act of 2015, Pub. L. 114-31; or

60 d. Other ~~another~~ acceptable form specified by the
61 Department of Veterans' Affairs.

62 2. Until a veteran's license is next renewed, the veteran
63 may have the word "Veteran" added to his or her license upon
64 surrender of his or her current license, ~~payment of a \$2 fee to~~
65 ~~be deposited into the Highway Safety Operating Trust Fund,~~ and
66 presentation of any of the forms of identification specified in
67 subparagraph 1 ~~a copy of his or her DD Form 214 or another~~
68 acceptable form specified by the Department of Veterans'
69 Affairs. If the applicant is not conducting any other
70 transaction affecting the driver license, a replacement license
71 must ~~shall~~ be issued with the word "Veteran" without payment of
72 the fee required in s. 322.21(1)(e).

73 Section 3. Paragraph (c) of subsection (1) of section
74 322.135, Florida Statutes, is amended to read:

75 322.135 Driver license agents.—

76 (1) The department shall, upon application, authorize by
77 interagency agreement any or all of the tax collectors who are
78 constitutional officers under s. 1(d), Art. VIII of the State
79 Constitution in the several counties of the state, subject to
80 the requirements of law, in accordance with rules of the
81 department, to serve as its agent for the provision of specified
82 driver license services.

83 (c) A service fee of \$6.25 must ~~shall~~ be charged, in
84 addition to the fees set forth in this chapter, for providing
85 all services pursuant to this chapter. The service fee may not
86 be charged:

87 1. More than once per customer during a single visit to a

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88 tax collector's office.

89 2. For a reexamination requested by the Medical Advisory
90 Board or required pursuant to s. 322.221.

91 3. For a voter registration transaction.

92 4. In violation of any federal or state law.

93 5. To a veteran receiving any service pursuant to this
94 chapter, upon presentation of a copy of the veteran's:

95 a. DD Form 214, issued by the United States Department of
96 Defense;

97 b. Veteran health identification card, issued by the United
98 States Department of Veterans Affairs;

99 c. Veteran identification card, issued by the United States
100 Department of Veterans Affairs pursuant to the Veterans
101 Identification Card Act of 2015, Pub. L. 114-31; or

102 d. Other acceptable form specified by the Department of
103 Veterans' Affairs.

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 146

INTRODUCER: Senators Bean and Bradley

SUBJECT: Appointment of Attorneys for Dependent Children with Special Needs

DATE: January 10, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Cibula</u>	<u>JU</u>	Favorable
2.	<u>Harkness</u>	<u>Sadberry</u>	<u>ACJ</u>	Recommend: Favorable
3.	<u>Harkness</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting

I. Summary:

SB 146 authorizes the payment of certain due process costs when a court-appointed pro bono¹ attorney represents a dependent child with special needs. These due process costs are the costs of court reporting and transcriptions, expert witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.

Currently, a court-appointed pro bono attorney is not entitled to funds for due process costs. In contrast, a private court-appointed attorney who is paid for his or her services in these cases is permitted to access due process costs. Under the bill, the Justice Administrative Commission will review and pay due process costs for pro bono attorneys as it does for compensated attorneys under current law.

The bill is expected to increase the need for funding for due process costs associated with children with special needs represented by pro bono attorneys. Indirectly, this bill may reduce the need for funding relating to attorney fees if more pro bono attorneys are willing to represent children with special needs when due process costs are borne by the state.

The bill will take effect upon becoming a law.

II. Present Situation:

Legal Representation for Dependent Children with Special Needs

In 2014, the Legislature determined that a dependent child with certain special needs is entitled to legal representation during all phases of a dependency case. This legal representation begins as early as when the child is removed from the home or the initial appointment is made and

¹ Pro bono is from the Latin phrase *pro bono publico* meaning “for the public good” and has come to mean uncompensated legal services performed for the public good. BLACK’S LAW DICTIONARY 1220 (10th ed. 2014).

continues through any appellate proceedings. The continuous legal representation permits the attorney to address the child's medical and related needs and ensures that the appropriate services and supports are obtained for the child to live successfully in the community.²

Dependent Children with Special Needs³

Section 39.01305(3), F.S., requires the court to appoint an attorney to represent a dependent child with certain special needs. A child has a qualifying special need if the child:

- Resides in a skilled nursing facility or is being considered for placement in a skilled nursing home;
- Is prescribed, but does not take, a psychotropic medication;
- Is diagnosed with a developmental disability;⁴
- Is being placed or considered for placement in a residential treatment center; or
- Is a victim of human trafficking.⁵

Procedure for Appointing an Attorney

The statutes establish priorities for selecting a court-appointed attorney to represent a dependent special needs child. In an effort to minimize expenses to the state, a pro bono attorney must first be sought to represent the child before a paid attorney or organization may be requested.

The court must request initially the Statewide Guardian Ad Litem Office to recommend an attorney who is willing to serve without compensation. If a pro bono attorney is available to serve within 15 days after the court's request, the court must appoint that attorney, thereby avoiding costs.⁶ However, if the Statewide Guardian Ad Litem office is unable to recommend an attorney within the 15-day period, the court may appoint a compensated attorney within that time period.⁷ Once the court appoints an attorney, the appointment continues until the attorney is permitted to withdraw, is discharged by the court, or the case is dismissed.⁸

An attorney or legal aid organization willing to serve for compensation is selected from a registry of names maintained by the chief judge in the circuit. These attorneys and organizations must be adequately compensated and provided with access to funding for expert witnesses, depositions, and other costs of litigation. The legal fees and compensation for litigation costs are

² Section 39.01305(1)(a)2., F.S.

³ Staff attempted to determine the current number of children who are classified as a "dependent child with disabilities." The information is not available from the Department of Children and Families. This number fluctuates regularly as children come in and out of care. However, recent data, collected at various times, has stated that approximately 12 children were in skilled nursing facilities, 265 children were diagnosed with developmental disabilities, and 130 children were in residential treatment centers. Staff was unable to discern how many children were not taking prescribed psychotropic medication or were victims of human trafficking.

⁴ A developmental disability is a disorder or syndrome attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial handicap that can reasonably be expected to continue indefinitely. s. 393.063(12), F.S.

⁵ Section 787.06(2)(d), F.S., defines human trafficking as the transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, or obtaining another person to exploit that person.

⁶ Section 39.01305(4)(a), F.S.

⁷ *Id.*

⁸ Section 39.01305(4)(b), F.S.

subject to appropriations and subject to review by the Justice Administrative Commission⁹ for reasonableness. The attorney fees may not exceed \$1,000 per year per child.¹⁰ There is no statutory cap on the amount of due process costs that may be expended in a particular case. However, the funds to cover those costs, along with attorney fees, is subject to legislative appropriation expressly for those purposes.¹¹

Due Process Costs

These litigation costs are often referred to as “due process costs” and are defined to include the costs of court reporting and transcripts, witnesses, mental health professionals, reasonable pretrial consultation fees and costs, and certain travel expenses.¹² The attorney who serves for compensation is paid for his or her legal services, and the accompanying due process costs are reviewed and paid by the Justice Administrative Commission. In contrast, there is no statutory authority to pay the due process costs incurred when a pro bono attorney is involved. Accordingly, the pro bono attorney is not paid for his or her legal services, and the attendant costs are not paid by the Justice Administrative Commission.

The Justice Administrative Commission¹³ reports the following fiscal year payments for due process costs and attorney fees for dependent children with special needs:

Fiscal Year	Due Process Costs	Attorney Fees
2014-2015	\$6,402	\$761,024
2015-2016	\$3,606	\$1,133,682
2016-2017	\$16,998	\$1,642,510
Total	\$27,006	\$3,537,216

III. Effect of Proposed Changes:

This bill authorizes a court-appointed pro bono attorney who represents a dependent child with special needs to receive funding for due process costs. Payment of the case-related due process costs is subject to appropriations and review by the Justice Administration Commission.

The bill takes effect upon becoming a law.

⁹ The Justice Administrative Commission administratively serves the offices of the state attorneys, public defenders, and other judicial-related offices. The commission processes accounting, budget, financial, and human resource transactions for these offices. The commission also processes bills for services provided by private court-appointed attorneys who represent indigent defendants as well as for associated due process service vendors such as court reporters, investigators, and expert witnesses. According to commission staff, due process costs in private court-appointed cases may either be paid directly to the due process service provider or paid by the attorney and then reimbursed by the commission.

¹⁰ Section 39.01305(5), F.S.

¹¹ Section 39.01305(9), F.S.

¹² Section 29.007(3)-(7), F.S.

¹³ Justice Administration Commission, *Children With Special Needs - Cases Appointed and Payment by Fiscal Year as of September 8, 2017* (on file with the Senate Committee on Judiciary).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A pro bono attorney currently paying due process costs from the attorney's own resources may enjoy savings to the extent such due process costs will now be paid by the Justice Administrative Commission.

C. Government Sector Impact:

The bill is expected to increase the need for funding for due process costs associated with children with special needs represented by pro bono attorneys.

Indirectly, this bill may reduce the need for funding relating to attorney fees if more pro bono attorneys are willing to represent children with special needs when due process costs are borne by the state.¹⁴

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 39.01305 of the Florida Statutes.

¹⁴ Justice Administrative Commission, *Bill Analysis for Senate Bill 146* (Sept. 5, 2017) (on file with the Senate Committee on Judiciary).

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Bean

4-00234-18

2018146__

1 A bill to be entitled
 2 An act relating to appointment of attorneys for
 3 dependent children with special needs; providing a
 4 short title; amending s. 39.01305, F.S.; requiring the
 5 payment of due process costs of litigation of all pro
 6 bono attorneys appointed to represent dependent
 7 children with certain special needs, subject to
 8 appropriations and review for reasonableness;
 9 providing an effective date.

10

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

12

13 Section 1. This act shall be called the "Pro Bono Matters
 14 Act of 2018."

15 Section 2. Subsection (5) of section 39.01305, Florida
 16 Statutes, is amended to read:

17 39.01305 Appointment of an attorney for a dependent child
 18 with certain special needs.—

19 (5) Unless ~~Except if~~ the attorney has agreed to provide pro
 20 bono services, an appointed attorney or organization must be
 21 adequately compensated. All appointed attorneys and
 22 organizations, including pro bono attorneys, must be provided
 23 with access to funding for expert witnesses, depositions, and
 24 other due process costs of litigation. Payment of attorney fees
 25 and case-related due process costs are to an attorney is subject
 26 to appropriations and ~~subject to~~ review by the Justice
 27 Administrative Commission for reasonableness. The Justice
 28 Administrative Commission shall contract with attorneys
 29 appointed by the court. Attorney fees may not exceed \$1,000 per

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

4-00234-18

2018146__

30 child per year.

31 Section 3. This act shall take effect upon becoming a law.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: PCS/SB 330 (851442)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Transportation, Tourism, and Economic Development); and Senator Gainer

SUBJECT: Transportation Facility Designations/Lieutenant Ewart T. Sconiers Highway

DATE: January 10, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>McAuliffe</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 330 designates the portion of U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 in Walton County as “Lieutenant Ewart T. Sconiers Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is \$1,000.

The bill takes effect upon becoming a law.

II. Present Situation:

Transportation Facility Designations

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations do not require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

¹ Section 334.071(1), F.S.

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.²

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.³

Lieutenant Ewart T. Sconiers

Lieutenant Sconiers was born in 1915 and raised in DeFuniak Springs, Florida. He attended the University of Florida before enlisting in the Army on September 16, 1941. He was shot down and captured by the Germans on October 21, 1942. He was imprisoned in German-occupied Poland and passed away there on January 24, 1944. In April of 2017, his remains were found and positively identified. Lieutenant Sconiers will be buried in DeFuniak Springs with full military honors on January 27, 2018.

III. Effect of Proposed Changes:

The bill designates the portion of U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 in Walton County as “Lieutenant Ewart T. Sconiers Highway” and directs the FDOT to erect suitable markers for the described designation.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

² Section 334.071(2), F.S.

³ Section 334.071(3), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The estimated cost to erect the designation markers required by PCS/SB 330 is \$1,000, based on the assumptions that two markers are required, and each marker costs the FDOT at least \$500. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, the dedication event, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida Law.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

Recommended CS by Appropriations Subcommittee on Transportation, Tourism, and Economic Development on November 15, 2017:

The committee substitute changes the effective date of the bill from July 1, 2018, to upon becoming a law.

B. Amendments:

None.



851442

576-01478-18

Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Transportation, Tourism, and
Economic Development)

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A bill to be entitled

An act relating to transportation facility
designations; providing an honorary designation of a
certain transportation facility in a specified county;
directing the Department of Transportation to erect
suitable markers; providing an effective date.

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

Section 1. Lieutenant Ewart T. Sconiers Highway designated;
Department of Transportation to erect suitable markers.-

(1) That portion of U.S. 90/S.R. 10 between S.R. 285 and N.
9th Street/S.R. 83 N. in Walton County is designated as
"Lieutenant Ewart T. Sconiers Highway."

(2) The Department of Transportation is directed to erect
suitable markers designating Lieutenant Ewart T. Sconiers
Highway as described in subsection (1).

Section 2. This act shall take effect upon becoming a law.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 330

INTRODUCER: Senator Gainer

SUBJECT: Transportation Facility Designations/Lieutenant Ewart T. Sconiers Highway

DATE: January 10, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	<u>Recommend: Fav/CS</u>
3.	<u>McAuliffe</u>	<u>Hansen</u>	<u>AP</u>	<u>Pre-meeting</u>

I. Summary:

SB 330 designates the portion of U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 in Walton County as “Lieutenant Ewart T. Sconiers Highway” and directs the Florida Department of Transportation (FDOT) to erect suitable markers.

The estimated cost to the FDOT to install the designation markers required under this bill is \$1,000.

The bill takes effect July 1, 2018.

II. Present Situation:

Transportation Facility Designations

Section 334.071, F.S., provides that legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility. Such designations do not require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes.¹

When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.²

¹ Section 334.071(1), F.S.

² Section 334.071(2), F.S.

The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, each affected local government must pass resolutions supporting the designations before installation of the markers.³

Lieutenant Ewart T. Sconiers

Lieutenant Sconiers was born in 1915 and raised in DeFuniak Springs, Florida. He attended the University of Florida before enlisting in the Army on September 16, 1941. He was shot down and captured by the Germans on October 21, 1942. He was imprisoned in German-occupied Poland and passed away there on January 24, 1944. In April of 2017, his remains were found and positively identified. Lieutenant Sconiers will be buried in DeFuniak Springs with full military honors on January 27, 2018.

III. Effect of Proposed Changes:

The bill designates the portion of U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 in Walton County as “Lieutenant Ewart T. Sconiers Highway” and directs the FDOT to erect suitable markers for the described designation.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

³ Section 334.071(3), F.S.

C. Government Sector Impact:

The estimated cost to erect the designation markers required by this bill is \$1,000, based on the assumptions that two markers are required, and each marker costs the FDOT at least \$500. The estimate includes sign fabrication, installation, and maintenance over time but does not include any additional expenses related to maintenance of traffic, the dedication event, or replacement necessitated by damage, vandalism, or storm events.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill creates an undesignated section of Florida law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Gainer

2-00481-18

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A bill to be entitled

An act relating to transportation facility designations; providing an honorary designation of a certain transportation facility in a specified county; directing the Department of Transportation to erect suitable markers; providing an effective date.

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

Section 1. Lieutenant Ewart T. Sconiers Highway designated;
Department of Transportation to erect suitable markers.-

(1) That portion of U.S. 90/S.R. 10 between S.R. 285 and N. 9th Street/S.R. 83 N. in Walton County is designated as "Lieutenant Ewart T. Sconiers Highway."

(2) The Department of Transportation is directed to erect suitable markers designating Lieutenant Ewart T. Sconiers Highway as described in subsection (1).

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 370

INTRODUCER: Senator Bradley and others

SUBJECT: Land Acquisition Trust Fund

DATE: January 10, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Istler</u>	<u>Rogers</u>	<u>EP</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEN</u>	Recommend: Favorable
3.	<u>Reagan</u>	<u>Hansen</u>	<u>AP</u>	Pre-meeting

I. Summary:

SB 370 creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. Funds appropriated into the Florida Forever Trust Fund are required to be distributed in accordance with the Florida Forever Act.

II. Present Situation:

Florida Forever

As a successor to Preservation 2000, the Legislature created the Florida Forever program in 1999 as the blueprint for conserving Florida's natural resources.¹ The Florida Forever Act reinforced the state's commitment to conserve its natural and cultural heritage, provide urban open space, and better manage the land acquired by the state.² Florida Forever encompasses a wide range of goals including: land acquisition; environmental restoration; water resource development and supply; increased public access; public lands management and maintenance; and increased protection of land through the purchase of conservation easements.³ The state has acquired more than 2.4 million acres since 1991 under the Preservation 2000 and the Florida Forever programs.⁴

¹ Chapter 99-247, Laws of Fla.

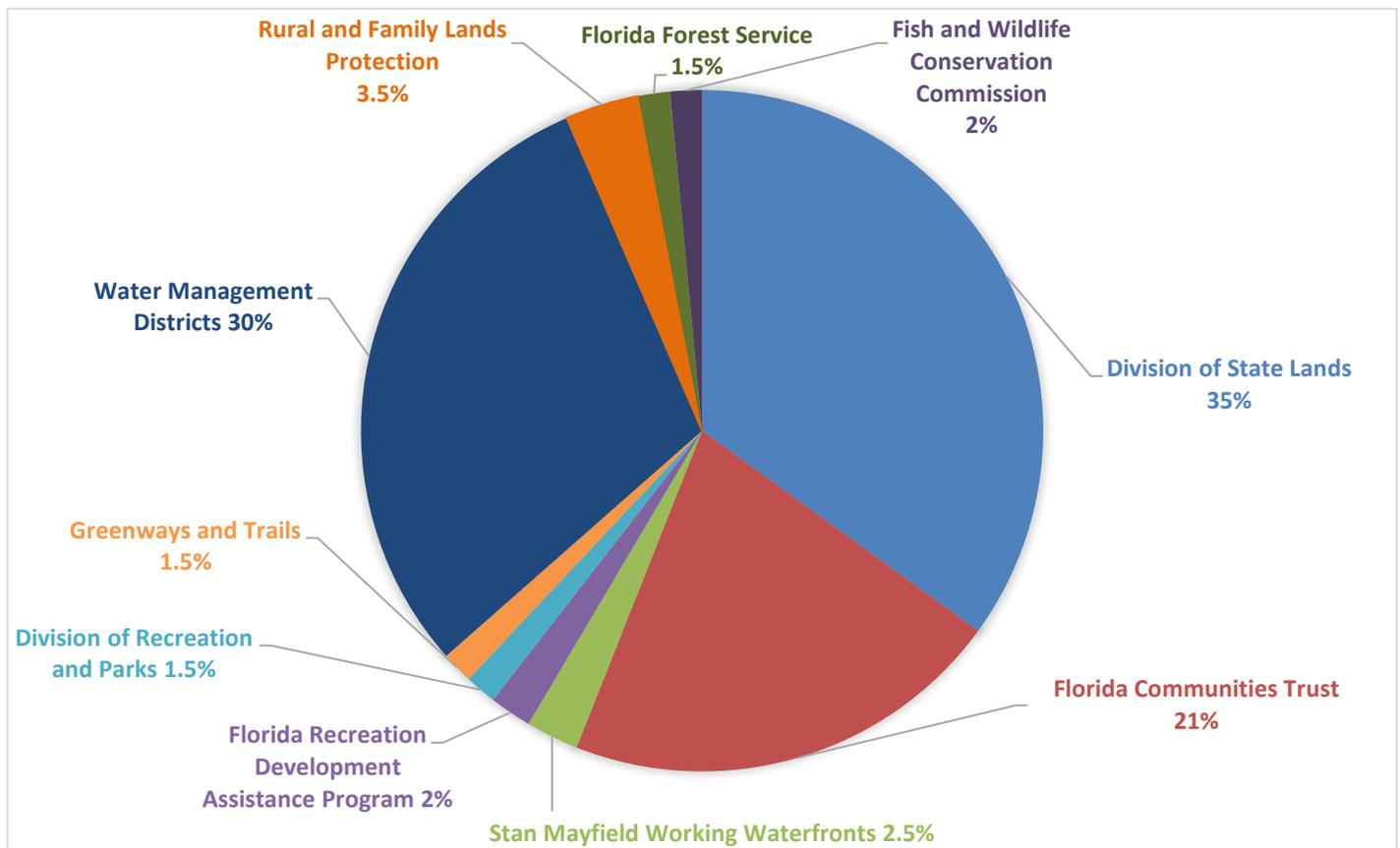
² Department of Environmental Protection (DEP), *Florida Forever Five Year Plan* (2017), available at http://publicfiles.dep.state.fl.us/DSL/OES/FloridaForeverAnnualRpts/FLDEP_DSL_OES_FloridaForeverAnnualReport2017_20170920.pdf (last visited Oct. 31, 2017).

³ Section 259.105, F.S.

⁴ DEP, *Frequently Asked Questions about Florida Forever*, <https://floridadep.gov/lands/environmental-services/content/faq-florida-forever> (last visited Oct. 31, 2017). See Florida Natural Areas Inventory, *Summary of Florida Conservation Lands*, available at http://fnai.org/PDF/Maacres_201702_FCL_plus_LTF.pdf (last visited Nov. 2, 2017) for a complete summary of the total amount of conservation lands in Florida.

Under Florida Forever, the issuance of up to \$5.3 billion in Florida Forever bonds⁵ is authorized to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements⁶ to lands and water areas which accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development.⁷

The Florida Forever Trust Fund was created to serve as the repository for Florida Forever bond proceeds to fund the Florida Forever program. The Florida Forever Trust Fund is administered by the Department of Environmental Protection (DEP) who is required to distribute revenues from the Florida Forever Trust Fund in accordance with s. 259.105(3), F.S. That subsection sets forth the allocation of the proceeds of cash payments or bonds deposited into the Florida Forever Trust Fund and is depicted in the graph below.



⁵ As of January 2017, of the \$5.3 billion authorized for Florida Forever bonds, the state has issued \$2 billion.

⁶ As defined in s. 259.03, F.S., the terms “capital improvement” or capital project expenditure” when used in ch. 259, F.S. mean “those activities relating to the acquisition, restoration, public access, and recreational uses of such lands, water areas, and related resources deemed necessary to accomplish the purposes of this chapter. Eligible activities include, but are not limited to: the initial removal of invasive plants; the construction, improvement, enlargement or extension of facilities’ signs, firelanes, access roads, and trails; or any other activities that serve to restore, conserve, protect, or provide public access, recreational opportunities, or necessary services for land or water areas. Such activities shall be identified prior to the acquisition of a parcel or the approval of a project. The continued expenditures necessary for a capital improvement approved under this subsection shall not be eligible for funding provided in this chapter.”

⁷ Section 215.618, F.S.

Division of State Lands – 35 Percent

The Division of State Lands (DSL) within the DEP oversees the Florida Forever program, under which the state has protected over 737,117 acres of land purchased with \$2.9 billion in Florida Forever funds.⁸ Florida Forever projects and acquisitions are required to contribute to the achievement of one or more of the following program goals:

- Enhance the coordination and completion of land acquisition projects.
- Increase the protection of Florida’s biodiversity at the species, natural community, and landscape levels.
- Protect, restore, and maintain the quality and natural functions of land, water, and wetlands systems of the state.
- Ensure that sufficient quantities of water are available to meet the current and future needs of natural systems and the citizens of the state.
- Increase natural resource-based public recreational and educational opportunities.
- Preserve significant archaeological or historic sites.
- Increase the amount of forestland available for sustainable management of natural resources.
- Increase the amount of open space available in urban areas.⁹

The Acquisition and Restoration Council (ARC) is a 10-member body that makes recommendations on the acquisition, management, and disposal of state-owned lands.¹⁰ The ARC accepts applications from state agencies, local governments, nonprofit and for-profit organizations, private land trusts, and individuals for project proposals eligible for Florida Forever funding. In evaluating each application, the ARC is required to consider whether the project:

- Meets multiple program goals.
- Is part of an ongoing governmental effort to restore, protect, or develop land areas or water resources.
- Enhances or facilitates management of properties already under public ownership.
- Has significant archaeological or historic value.
- Contributes to the solution of water resource problems on a regional basis.
- Has a significant portion of its land area in imminent danger of development, in imminent danger of losing its significant natural attributes or recreational open space, or in imminent danger of subdivision that would result in multiple ownership and make acquisition of the project more costly or less likely to be accomplished.
- Implements an element from a plan developed by an ecosystem management team.
- Is one of the components of Everglades restoration efforts.
- May be purchased at 80 percent of appraised value.
- May be acquired, in whole or in part, using alternatives to fee simple, the outright purchase of lands.
- Is a joint acquisition.¹¹

⁸ DEP, *Florida Forever Five Year Plan* (2017).

⁹ Section 259.105(4), F.S.

¹⁰ DEP, *Florida Forever Five Year Plan* (2017).

¹¹ Section 259.105(9), F.S.

The ARC is required to give higher priority to: projects for which matching funds are available; project elements previously identified on an acquisition list which can be acquired at 80 percent or less of appraised value; projects that can be acquired in less than fee ownership (acquiring land at less than fee ownership means acquisition of an interest in the property which allows the conservation and protection of resources on the property at less cost while keeping the land in private ownership); projects that contribute to improving the quality or quantity of surface water or groundwater; projects that contribute to improving the water quality and flow of springs; and projects for which the state's land conservation plans overlap with the military's need to protect lands, water, and habitat to ensure the sustainability of military missions.¹²

Using its established criteria, the ARC develops a priority list of applications submitted. An affirmative vote of at least five members of the ARC is required to place a proposed project on the priority list. The ARC evaluates and selects projects twice per year, in June and December, and ranks the projects annually.¹³ Each project on the priority list is placed in one of the following categories of expenditure for land conservation projects: climate change, critical natural, less-than-fee, partnerships, greater than 85 percent complete, and critical historical.¹⁴ Projects are ranked within each category from highest to lowest priority.

The priority list is presented to the Governor and the Cabinet sitting as the Board of Trustees of the Internal Improvement Trust Fund (BOT).¹⁵ The BOT is responsible for acting on the ARC's recommendations by approving the acquisition of each parcel.¹⁶ While the BOT is authorized to remove projects from the priority list, the BOT may not add or rearrange projects on the priority list.¹⁷

The DSL prepares an annual work plan based on the priority list developed by the ARC, which outlines the specific projects and acquisitions within projects that will be negotiated for purchase with Florida Forever funds available for that fiscal year for land acquisition.¹⁸ Currently, there are 43 projects, totaling approximately 1.4 million acres, in the work plan.¹⁹

At least \$5 million of the funds allocated to the DSL under Florida Forever, beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, are required to be spent on land acquisition within the Florida Keys Area of Critical State Concern.²⁰

Water Management Districts – 30 Percent

The state is divided into five water management districts (WMDs), which are responsible for the administration of water resources at a regional level. Each WMD is required to develop a Florida

¹² Section 259.105(10), F.S.

¹³ DEP, *Frequently Asked Questions about Florida Forever*.

¹⁴ Section 259.105(17), F.S.

¹⁵ Section 259.105(14), F.S.

¹⁶ DEP, *Florida Forever Five Year Plan* (2017).

¹⁷ Section 259.105(14), F.S.

¹⁸ Section 259.105(17), F.S.

¹⁹ DEP, *Focused on Florida's Future, Florida Forever Program*, 7, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

²⁰ Section 259.105(3)(b), F.S.

Forever five-year work plan that identifies projects necessary to promote reclamation, storage, or recovery of water and other properties or activities that would assist in meeting the goals of the Florida Forever program.²¹ Each project identified must contribute to the achievement of the Florida Forever goals and be evaluated in accordance with the specific criteria and numeric performance measures developed by the ARC.²² By March 1 of each year, each WMD is required to report to the DEP on acquisitions completed during the year together with modifications or additions to its five-year work plan, including:

- A description of land management activity for each property or project area owned by the WMD.
- A list of any lands surplused and the amount of compensation received.
- The progress of funding, staffing, and resource management of every project funded pursuant to Florida Forever for which the district is responsible.²³

The DEP is required to submit each WMD's five-year work plan to the BOT together with the ARC's project list.²⁴ Pursuant to s. 259.105(11), F.S., Florida Forever funds provided to the WMDs are allocated as follows:

- Thirty-five percent to the South Florida WMD.
- Twenty-five percent to the Southwest Florida WMD.
- Twenty-five percent to the St. Johns River WMD.
- Seven and one-half percent to the Suwannee River WMD.
- Seven and one-half percent to the Northwest Florida WMD.

Florida Communities Trust – 21 Percent

The Florida Communities Trust (FCT) is a multi-faceted program that assists communities in protecting important natural resources, providing recreational opportunities and preserving the state's traditional working waterfronts through grant programs.²⁵ The FCT is governed by a five-member board that includes the Secretary of the DEP or his or her designee and four members of the public appointed by the Governor. From the funds available to the FCT and used for land acquisition, 75 percent is required to be matched by local governments on a dollar-for-dollar basis.²⁶

The Parks and Open Space grant program provides funding to local governments and eligible non-profit organizations for acquisition of community-based parks, open space, and greenways that further outdoor recreation and natural resource protection needs identified in a local government's comprehensive plan. As of June 2017, more than 92,400 acres have been preserved statewide, leveraging \$839 million of state dollars for a total of \$1.56 billion used to acquire such lands.²⁷

²¹ Section 373.199, F.S.

²² Section 259.105(4), F.S.

²³ Section 373.199, F.S.

²⁴ *Id.*

²⁵ DEP, *Florida Communities Trust Annual Report Fiscal Year 2016-2017*, 3 (Sept. 30, 2017) available at https://floridadep.gov/sites/default/files/FCT_16-17_Annual_Report_FINAL_DRAFT_0.pdf (last visited Oct. 30, 2017).

²⁶ Section 259.105(3)(c), F.S.

²⁷ DEP, *FCT Parks and Open Space Program Overview*, <https://floridadep.gov/ooo/land-and-recreation-grants/content/fct-parks-and-open-space-program-overview> (last visited Oct. 30, 2017).

Stan Mayfield Working Waterfronts – 2.5 Percent

The FCT administers the Stan Mayfield Working Waterfront program, which provides funding to acquire parcels of land used directly for commercially harvesting marine organisms or saltwater products. Such projects include piers, wharves, docks, and other facilities operated to provide waterfront access to licensed commercial fishermen, aquaculturists, or business entities. The funds may also be used for the acquisition of land for exhibitions, demonstrations, educational venues, civic events, and other purposes to promote and educate the public about the economic, cultural, and historic heritage of the state's traditional working waterfronts, including marketing events for the seafood and aquaculture industries.

Rural and Family Lands Protection Program – 3.5 Percent

The Rural and Family Lands Protection Program within the Department of Agriculture and Consumer Services (DACS) is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements.²⁸ The purpose of the program is to promote and improve wildlife habitat; protect and enhance water bodies, aquifer recharge areas, wetlands, and watersheds; perpetuate open space on lands with significant natural areas; or protect agricultural lands threatened by conversion to other uses.²⁹ Under the program, lands must be acquired pursuant to a priority ranking process developed by the DACS, the DEP, the WMDs, the Department of Economic Opportunity, and the Fish and Wildlife Conservation Commission (FWC).³⁰ Preference must be given to ranch and timberlands that are managed using sustainable practices.³¹ To date, 38 acquisitions have been approved, totaling 39,200 acres.³²

Florida Recreation Development Assistance Program – 2 Percent

The Florida Recreation Development Assistance Program within the DEP provides grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. The maximum grant that may be awarded for each project application is \$200,000 in state funds.³³ The DEP has developed a competitive project selection process designed to maximize outdoor recreation for the public. The selection criteria ranks projects, in part, based on the extent to which the project would implement outdoor recreation goals, objectives, and priorities specified in the state comprehensive outdoor recreation plan and the extent to which the project would provide priority resource or facility needs in the region, as specified in the state comprehensive outdoor recreation plan.³⁴

²⁸ Department of Agriculture and Consumer Services (DACS), *Rural and Family Lands Protection Program*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program2> (last visited Oct. 31, 2017).

²⁹ Section 570.71, F.S.

³⁰ See Fla. Admin Code Ch. 5I-7.

³¹ Section 570.71, F.S.

³² DACS, *The Florida Forever Act, 7*, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

³³ Section 375.075, F.S.

³⁴ *Id.*

Florida Greenways and Trails Program – 1.5 Percent

The Office of Greenways and Trails (OGT) within the DEP provides a comprehensive process to identify, prioritize, connect, promote, and coordinate the implementation of a statewide system of connected greenways and trails. The program serves to integrate natural and human environments using greenways and trails to tie communities together by linking features such as parks, open spaces, historic sites, and residential areas. The Florida Greenways and Trails Council recommends lands for acquisition based on ranking criteria developed by the DEP and is not subject to the ranking criteria developed by the ARC.³⁵

Division of Recreation and Parks – 1.5 Percent

The Division of Recreation and Parks (DRP) within the DEP administers Florida's Park Service, which consists of 174 state parks, trails and historic sites spanning 800,000 acres and 100 miles of beaches.³⁶ The DRP is authorized to use Florida Forever funds to purchase inholdings and additions to state parks and for capital expenditure project expenditures.³⁷ At a minimum, one percent, and no more than 10 percent, must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access.³⁸ The DRP must develop and utilize a priority acquisition list based on the specific criteria and numeric performance measures developed by the ARC for acquisitions under the Florida Forever program.³⁹

Florida Forest Service – 1.5 Percent

The Florida Forest Service (FFS) within the DACS manages 37 state forests, totaling over one million acres.⁴⁰ The FFS is authorized to acquire lands, suitable for state forest purposes, by gift, donation, contribution, purchase, or otherwise and is authorized to enter into an agreement with the Federal Government, or other agency, for acquiring by gift, purchase, or otherwise, such lands as are, in the judgment of the FFS, suitable and desirable for state forests.⁴¹ The FFS may use Florida Forever funds for the acquisition of state forest inholdings and additions, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures.

Fish and Wildlife Conservation Commission – 1.5 Percent

The Fish and Wildlife Conservation Commission (FWC) exercises the regulatory and executive powers of the state with respect to wild animal life and fresh water aquatic life.⁴² The FWC is authorized to acquire lands and waters suitable for the protection, improvement, and restoration of the state's wild animal life, freshwater aquatic life, and marine life resources.⁴³ Lands

³⁵ Section 260.015(1), F.S.

³⁶ DEP, *Division of Recreation and Parks*, <https://floridadep.gov/Parks> (last visited Oct. 31, 2017). The opening of Gilchrist Blue Springs State Park, the 175th Florida state park, was announced on November 1, 2017.

³⁷ Section 259.105(3)(e), F.S.

³⁸ *Id.*

³⁹ Section 259.105(3)(1), F.S.

⁴⁰ DACS, *State Forests*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests> (last visited Oct. 31, 2017).

⁴¹ Section 589.07, F.S.

⁴² FLA. CONST. art. IV, s. 9.

⁴³ Section 20.331, F.S.

acquired must be managed for recreational and other multiple-use activities that do not impede the FWC's ability to perform its constitutional and statutory duties and responsibilities.⁴⁴ The FWC has a management interest in approximately 5.9 million acres of natural resource land in the state.⁴⁵ These lands, in part, include lands that are leased to the FWC and owned by the state and lands owned by the FWC. The FWC is authorized to use Florida Forever funds for the acquisition of inholdings and additions to lands they manage which are important to the conservation of fish and wildlife and for capital project expenditures. Through Florida Forever, the FWC has conserved 12,252 acres.⁴⁶

Land Acquisition Trust Fund

In 2014, Florida voters approved Amendment One, a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment required that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund (LATF). Article X, s. 28 of the State Constitution requires that funds in the LATF be expended only for the following purposes:

As provided by law, to finance or refinance: the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; wildlife management areas; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b); beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.⁴⁷

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the LATF receive at least 33 percent of net revenues derived from documentary stamp taxes.
- Section 375.041, F.S., to designate the LATF within the Department of Environmental Protection (DEP) as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.⁴⁸

⁴⁴ *Id.*

⁴⁵ Fish and Wildlife Conservation Commission (FWC), *Florida Forever Program – FWC Additions and Inholdings*, 3, presentation before the Senate Appropriations Subcommittee on the Environment and Natural Resources (Oct. 25, 2017), available at <https://www.flsenate.gov/Committees/Show/AEN/Meeting%20Packet/3992> (last visited Oct. 31, 2017).

⁴⁶ *Id.* at 6.

⁴⁷ FLA. CONST. Art. X, s. 28.

⁴⁸ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

Under s. 375.041, F.S., funds deposited into the LATF must be distributed in the following order and amounts:

- First, obligations relating to debt service, specifically:
 - First to payments relating to debt service on Florida Forever Bonds and Everglades restoration bonds; and
 - Then, to payments relating to debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District.
- Then, before funds are authorized to be appropriated for other uses:
 - A minimum of the lesser of 25 percent of the funds remaining after the payment of debt service or \$200 million annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan (CERP), the Long-Term Plan,⁴⁹ or the Northern Everglades and Estuaries Protection Program (NEEPP), with priority given to Everglades projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. From these funds, the following specified distributions are required:
 - \$32 million annually through the 2023-2024 fiscal year for the Long-Term Plan;
 - After deducting the \$32 million, the minimum of the lesser of 76.5 percent of the remainder or \$100 million annually through the 2025-2026 fiscal year for the CERP; and
 - Any remaining funds for Everglades projects under the CERP, the Long-Term Plan, or the NEEPP.
 - A minimum of the lesser of 7.6 percent of the funds remaining after the payment of debt service or \$50 million annually for spring restoration, protection, and management projects; and
 - Five million annually through the 2025-2026 fiscal year to the St. Johns River Water Management District for projects dedicated to the restoration of Lake Apopka.⁵⁰
 - Sixty-four million to the Everglades Trust Fund in the 2018-2019 fiscal year and each fiscal year thereafter, for the Everglades Agricultural Area reservoir project.
- Then, any remaining moneys are authorized to be appropriated for the purposes set forth in Art. X, s. 28 of the State Constitution.⁵¹

In August 2017, the Revenue Estimating Conference projected that \$2.62 billion of documentary stamp taxes will be collected in Fiscal Year 2018-2019. After deducting the costs of collection and enforcement of the tax, thirty-three percent of the net revenues collected or approximately \$862.2 million must be deposited into the LATF in accordance with Art. X, s. 28 of the State Constitution.⁵²

⁴⁹ Note that the “Long-Term Plan” includes the Restoration Strategies Regional Water Quality Plan.

⁵⁰ Section 375.041, F.S.

⁵¹ *Id.*

⁵² Office of Economic and Demographic Research, Revenue Estimating Conference, *Documentary Stamp Tax, Executive Summary* (Aug. 2017) available at <http://edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited November 27, 2017).

III. Effect of Proposed Changes:

The bill creates a statutory distribution from the Land Acquisition Trust Fund requiring \$100 million to be appropriated annually to the Florida Forever Trust Fund. In accordance with the current provisions of s. 259.105(3), F.S., the distribution must be allocated as follows:

- Division of State Lands - \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts - \$30 million.
- Florida Communities Trust - \$21 million.
- Rural and Family Lands Protection Program - \$3.5 million.
- Stan Mayfield Working Waterfronts - \$2.5 million.
- Florida Recreation Development Assistance Program - \$2 million.
- Division of Recreation and Parks - \$1.5 million.
- Office of Greenways and Trails - \$1.5 million.
- Florida Forest Service - \$1.5 million.
- Fish and Wildlife Conservation Commission - \$1.5 million.

The bill deletes an obsolete provision relating to an appropriation for the 2017-2018 fiscal year.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill creates a \$100 million annual distribution from the Land Acquisition Trust Fund (LATF) to the Florida Forever Trust Fund. Absent subsequent direction by the legislature to the contrary, these funds are to be distributed as follows:

- Division of State Lands - \$35 million, of which \$5 million is dedicated for land acquisition within the Florida Keys Area of Critical State Concern.
- Water Management Districts - \$30 million.
- Florida Communities Trust - \$21 million.
- Rural and Family Lands Protection Program - \$3.5 million.
- Stan Mayfield Working Waterfronts - \$2.5 million.
- Florida Recreation Development Assistance Program - \$2 million.
- Division of Recreation and Parks - \$1.5 million.
- Office of Greenways and Trails - \$1.5 million.
- Florida Forest Service - \$1.5 million.
- Fish and Wildlife Conservation Commission - \$1.5 million.

Agencies that receive funds from the LATF are the departments of Environmental Protection, State, and Agriculture and Consumer Services as well as the Fish and Wildlife Conservation Commission. These agencies receive legislative appropriations for various items; such as springs restoration, Everglades and Northern Everglades restoration, Lake Apopka restoration, beach restoration, and land management activities. The additional \$100 million in distributions may affect the funding available to appropriate for these other purposes funded from the trust fund. Projections of Fiscal Year 2018-2019 documentary tax revenues deposited into the LATF totals \$862.2 million, which is an increase of \$33.3 million. This increase in collections will offset some of the negative fiscal impact to the available funds.

VI. Technical Deficiencies:

If the intent of this legislation is to establish a continuing appropriation of \$100 million annually, without further legislative action in subsequent fiscal years, the language “shall be appropriated annually” should be clarified to read, “is appropriated annually.”

VII. Related Issues:

Other allocations from the Land Acquisition Trust Fund (LATF) require the allocations to be reduced to the extent of any debt service on bonds issued for the same purpose after a date certain. This bill does not contain language to reduce the distribution based on any debt service paid on bonds issued for the Florida Forever program. As a result, the new \$100 million distribution for the Florida Forever program will be in addition to any payment of debt service for bonds issued for the purposes of the Florida Forever program. If the legislature wants to treat the allocation authorized in this bill similar to other allocations of LATF moneys, the following language could be inserted: “This distribution shall be reduced by an amount equal to the debt service paid pursuant to paragraph (a) on bonds issued after July 1, 2018, for the purposes set forth in this subparagraph.”

VIII. Statutes Affected:

This bill substantially amends section 375.041 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



151470

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Bradley) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 95 and 96

insert:

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



151470

11 (a) The Executive Direction and Support Services and the
12 Technology and Information Services within the Department of
13 Environmental Protection;

14 (b) The Executive Direction and Support Services and the
15 Office of Agriculture Technology Services within the Department
16 of Agriculture and Consumer Services;

17 (c) The Office of Executive Direction and Administrative
18 Support Services, with the exception of the Special Category-
19 non-CARL wildlife management appropriation category, within the
20 Fish and Wildlife Conservation Commission; and

21 (d) The Executive Direction and Support Services within the
22 Department of State.

23
24 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

25 And the directory clause is amended as follows:

26 Delete lines 10 - 11

27 and insert:

28 Section 1. Subsections (3) and (4) of section 375.041,
29 Florida Statutes, are amended to read:

30
31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 5

34 and insert:

35 Fund; deleting an obsolete provision; prohibiting
36 moneys from the Land Acquisition Trust Fund from being
37 used for specified costs; providing an



697130

LEGISLATIVE ACTION

Senate

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House

The Committee on Appropriations (Bradley) recommended the following:

1 **Senate Substitute for Amendment (151470) (with directory**
2 **and title amendments)**

3
4 Between lines 95 and 96
5 insert:

6 (4) Any remaining moneys in the Land Acquisition Trust Fund
7 which are not distributed as provided in subsection (3) may be
8 appropriated from time to time for the purposes set forth in s.
9 28, Art. X of the State Constitution except that moneys
10 distributed from the Land Acquisition Trust Fund may not be used



697130

- 11 for costs associated with the following budget entities:
12 (a) The Executive Direction and Support Services and the
13 Technology and Information Services within the Department of
14 Environmental Protection;
15 (b) The Executive Direction and Support Services and the
16 Office of Agriculture Technology Services within the Department
17 of Agriculture and Consumer Services;
18 (c) The Office of Executive Direction and Administrative
19 Support Services within the Fish and Wildlife Conservation
20 Commission; and
21 (d) The Executive Direction and Support Services within the
22 Department of State.

23
24 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

25 And the directory clause is amended as follows:

26 Delete lines 10 - 11

27 and insert:

28 Section 1. Subsections (3) and (4) of section 375.041,
29 Florida Statutes, are amended to read:

30

31 ===== T I T L E A M E N D M E N T =====

32 And the title is amended as follows:

33 Delete line 5

34 and insert:

35 Fund; deleting an obsolete provision; prohibiting
36 moneys from the Land Acquisition Trust Fund from being
37 used for specified costs; providing an

By Senator Bradley

5-00364-18

2018370__

1 A bill to be entitled
2 An act relating to the Land Acquisition Trust Fund;
3 amending s. 375.041, F.S.; requiring a specified
4 annual appropriation to the Florida Forever Trust
5 Fund; deleting an obsolete provision; providing an
6 effective date.

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

10 Section 1. Subsection (3) of section 375.041, Florida
11 Statutes, is amended to read:

12 375.041 Land Acquisition Trust Fund.—

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

15 (a) First, to pay debt service or to fund debt service
16 reserve funds, rebate obligations, or other amounts payable with
17 respect to Florida Forever bonds issued under s. 215.618; and
18 pay debt service, provide reserves, and pay rebate obligations
19 and other amounts due with respect to Everglades restoration
20 bonds issued under s. 215.619; and

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

24 1. A minimum of the lesser of 25 percent or \$200 million
25 shall be appropriated annually for Everglades projects that
26 implement the Comprehensive Everglades Restoration Plan as set
27 forth in s. 373.470, including the Central Everglades Planning
28 Project subject to Congressional authorization; the Long-Term
29 Plan as defined in s. 373.4592(2); and the Northern Everglades

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

5-00364-18

2018370__

30 and Estuaries Protection Program as set forth in s. 373.4595.
31 From these funds, \$32 million shall be distributed each fiscal
32 year through the 2023-2024 fiscal year to the South Florida
33 Water Management District for the Long-Term Plan as defined in
34 s. 373.4592(2). After deducting the \$32 million distributed
35 under this subparagraph, from the funds remaining, a minimum of
36 the lesser of 76.5 percent or \$100 million shall be appropriated
37 each fiscal year through the 2025-2026 fiscal year for the
38 planning, design, engineering, and construction of the
39 Comprehensive Everglades Restoration Plan as set forth in s.
40 373.470, including the Central Everglades Planning Project, the
41 Everglades Agricultural Area Storage Reservoir Project, the Lake
42 Okeechobee Watershed Project, the C-43 West Basin Storage
43 Reservoir Project, the Indian River Lagoon-South Project, the
44 Western Everglades Restoration Project, and the Picayune Strand
45 Restoration Project. The Department of Environmental Protection
46 and the South Florida Water Management District shall give
47 preference to those Everglades restoration projects that reduce
48 harmful discharges of water from Lake Okeechobee to the St.
49 Lucie or Caloosahatchee estuaries in a timely manner. For the
50 purpose of performing the calculation provided in this
51 subparagraph, the amount of debt service paid pursuant to
52 paragraph (a) for bonds issued after July 1, 2016, for the
53 purposes set forth under paragraph (b) shall be added to the
54 amount remaining after the payments required under paragraph
55 (a). The amount of the distribution calculated shall then be
56 reduced by an amount equal to the debt service paid pursuant to
57 paragraph (a) on bonds issued after July 1, 2016, for the
58 purposes set forth under this subparagraph.

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2018370__

59 2. A minimum of the lesser of 7.6 percent or \$50 million
 60 shall be appropriated annually for spring restoration,
 61 protection, and management projects. For the purpose of
 62 performing the calculation provided in this subparagraph, the
 63 amount of debt service paid pursuant to paragraph (a) for bonds
 64 issued after July 1, 2016, for the purposes set forth under
 65 paragraph (b) shall be added to the amount remaining after the
 66 payments required under paragraph (a). The amount of the
 67 distribution calculated shall then be reduced by an amount equal
 68 to the debt service paid pursuant to paragraph (a) on bonds
 69 issued after July 1, 2016, for the purposes set forth under this
 70 subparagraph.

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

78 4. The sum of \$64 million is appropriated and shall be
 79 transferred to the Everglades Trust Fund for the 2018-2019
 80 fiscal year, and each fiscal year thereafter, for the EAA
 81 reservoir project pursuant to s. 373.4598. Any funds remaining
 82 in any fiscal year shall be made available only for Phase II of
 83 the C-51 reservoir project or projects identified in
 84 subparagraph 1. and must be used in accordance with laws
 85 relating to such projects. Any funds made available for such
 86 purposes in a fiscal year are in addition to the amount
 87 appropriated under subparagraph 1. This distribution shall be

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2018370__

88 reduced by an amount equal to the debt service paid pursuant to
 89 paragraph (a) on bonds issued after July 1, 2017, for the
 90 purposes set forth in this subparagraph.

91 5. The sum of \$100 million shall be appropriated annually
 92 to the Florida Forever Trust Fund ~~Notwithstanding subparagraph~~
 93 ~~3., for the 2017-2018 fiscal year, funds shall be appropriated~~
 94 ~~as provided in the General Appropriations Act. This subparagraph~~
 95 ~~expires July 1, 2018.~~

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

Page 4 of 4

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