

By Senator Clary

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A bill to be entitled

An act relating to the Ecosystem Management and Restoration Trust Fund; amending s. 403.1651, F.S.; directing the Department of Environmental Protection to establish a pilot program for the disposition of civil penalties; requiring reports; providing an effective date.

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

Section 1. Paragraph (a) of subsection (2) of section 403.1651, Florida Statutes, is amended to read:

403.1651 Ecosystem Management and Restoration Trust Fund.--

(2) The trust fund shall be used for the deposit of all moneys recovered by the state:

(a) As a result of actions against any person for a violation of chapter 373 or this chapter initiated by the department. No settlement entered into by the department shall limit the Legislature's authority to appropriate moneys from the trust fund; provided, however, that the department may enter into a settlement in which the department agrees to request that moneys received pursuant to the settlement will be included in its legislative budget request for purposes set out in the settlement. However, the department shall establish a pilot program for fiscal year 1998-1999 and fiscal year 1999-2000 in which the department may enter into settlement agreements that require responsible parties to pay civil penalties directly to another government entity or nonprofit organization to fund projects that are consistent with the purposes of the Ecosystem Management and Restoration Trust

1 Fund. The amount paid directly to all government entities or
2 nonprofit organizations during fiscal year 1998-1999 and
3 fiscal year 1999-2000 may not cumulatively exceed \$50,000 per
4 annum. The department shall prepare a report on the efficacy
5 of the pilot program to be presented to the Governor, the
6 President of the Senate, and the Speaker of the House of
7 Representatives by June 30, 1999, and June 30, 2000.

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

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11 SENATE SUMMARY

12 Requires the Department of Environmental Protection to
13 establish a pilot program to have civil penalties paid
14 directly to government entities and nonprofit
15 organizations to fund projects that are consistent with
16 the purposes of the Ecosystem Management and Restoration
17 Trust Fund.
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