

By the Committee on Natural Resources and Senator Saunders

312-1934-99

1 A bill to be entitled
2 An act relating to the Florida Everglades
3 Restoration Act; creating s. 259.202, F.S.;
4 creating the Florida Everglades Restoration
5 Act; defining the term "restudy project
6 component"; providing legislative findings;
7 providing for the proceeds of bond sales to be
8 deposited into the Florida Everglades
9 Restoration Trust Fund; providing criteria for
10 restoration projects; amending s. 201.15, F.S.;
11 providing for the payment of debt service on
12 bonds; providing limitations on amounts
13 transferred to the trust fund; providing an
14 effective date.

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

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18 Section 1. Section 259.202, Florida Statutes, is
19 created to read:

20 259.202 Florida Everglades Restoration Act.--

21 (1) SHORT TITLE.--This section may be cited as the
22 "Florida Everglades Restoration Act."

23 (2) DEFINITION.--As used in this act, the term
24 "restudy project component" means any structural or
25 operational change, resulting from the Comprehensive Review
26 Study of the Central and Southern Florida Project, to the
27 Central and Southern Florida Project as it existed and was
28 operated as of January 1, 1999, and for which federal
29 participation was authorized by the federal Water Resources
30 Development Acts of 1992 and 1996, together with related
31 congressional resolutions.

1 (3) LEGISLATIVE FINDINGS.--The Legislature finds that:

2 (a) Human alteration of Florida's natural landscape
3 has interfered with the ability of the Everglades' lakes,
4 wetlands, and estuarine systems to retain or convey water or
5 remove nutrients and sediments from water.

6 (b) The south Florida region's continued growth and
7 economic well-being depend on managing aquatic systems to hold
8 and release rainfall for environmental, agricultural,
9 industrial, and clean drinking water purposes; to support
10 abundant native fish, wildlife, and plant communities; and to
11 enhance aesthetic and recreational uses.

12 (c) Restoration of the damaged ecosystem, including
13 water flow and retention, hydroperiod, nutrient, and sediment
14 removal will be undertaken as part of the restudy pending
15 available funds.

16 (d) Implementation of the Restudy is projected to
17 require several billion dollars in matching funds from state
18 sources.

19 (e) Public financing for restoration activities is
20 equitably achieved with bonds as approved in the 1998 revision
21 to s. 11(e), Art. VII of the State Constitution.

22 (f) Environmental restoration bonds are an appropriate
23 and necessary method of financing aquatic systems restoration
24 and the state share of Everglades restoration activities, and
25 the Legislature intends that the Florida Everglades
26 Restoration Act be financed through the issuance of bonds.

27 (4) RESTORATION PROJECTS SUPPLEMENTED.--

28 (a) Less the costs of issuance, the costs of funding
29 reserve accounts, and other costs with respect to the bonds,
30 the proceeds of bonds issued pursuant to this act shall be

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1 deposited into the Florida Everglades Restoration Trust Fund
2 created by s. 375.046.

3 (b) The Department of Environmental Protection shall
4 release funds from the Florida Everglades Restoration Trust
5 Fund to the South Florida Water Management District following
6 receipt of a resolution adopted by the governing board which
7 identifies and justifies the costs of the restudy project
8 component to be funded. The Secretary of Environmental
9 Protection may withhold moneys for any restudy project
10 component for which the costs are not identified and
11 justified. The governing board may appeal any denial to the
12 Land and Water Adjudicatory Commission under s. 373.114.

13 (5) PROJECT CRITERIA.--

14 (a) Proceeds of bonds issued pursuant to this act and
15 distributed pursuant to subsection (4) shall be spent only on
16 restudy project components that meet at least one of the
17 following criteria:

18 1. Projects that are joint federal-state partnerships
19 with project plans reflecting cost-share with federal or local
20 governments.

21 2. Projects to restore natural water flows, retain
22 seasonal flows, release impounded water, or improve a system's
23 ability to remove nutrients and sediments.

24 3. Projects that restore freshwater flows to major
25 estuarine systems including Florida Bay and Biscayne Bay.

26 4. Projects that have a goal of restoring native plant
27 and animal communities.

28 5. Projects that meet one or more of the provisions of
29 s. 11(e), Art. VII of the State Constitution.

30 (b) The funds provided by this act may not be used for
31 any restudy project component, or portion thereof, related to

1 the treatment, transmission, or distribution of water for
2 sale, resale, or end-use to consumers.

3 Section 2. Subsections (1), (2), (8), and (9) of
4 section 201.15, Florida Statutes, 1998 Supplement, are amended
5 to read:

6 201.15 Distribution of taxes collected.--All taxes
7 collected under this chapter shall be subject to the service
8 charge imposed in s. 215.20(1) and shall be distributed as
9 follows:

10 (1) Sixty-two and sixty-three hundredths percent of
11 the remaining taxes collected under this chapter shall be used
12 for the following purposes:

13 (a) Subject to the maximum amount limitations set
14 forth in this paragraph, an amount as shall be necessary to
15 pay the debt service on, or fund debt service reserve funds,
16 rebate obligations, or other amounts with respect to bonds
17 issued pursuant to s. 375.051 and payable from moneys
18 transferred to the Land Acquisition Trust Fund pursuant to
19 this paragraph shall be paid into the State Treasury to the
20 credit of the Land Acquisition Trust Fund to be used for such
21 purposes. The amount transferred to the Land Acquisition Trust
22 Fund shall not exceed \$90 million in fiscal year 1992-1993,
23 \$120 million in fiscal year 1993-1994, \$150 million in fiscal
24 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
25 million in fiscal year 1996-1997, \$240 million in fiscal year
26 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
27 million in fiscal year 1999-2000 and thereafter. No individual
28 series of bonds may be issued pursuant to this paragraph
29 unless the first year's debt service for such bonds is
30 specifically appropriated in the General Appropriations Act.
31 No moneys transferred to the Land Acquisition Trust Fund

1 pursuant to this paragraph, or earnings thereon, shall be used
2 or made available to pay debt service on the Save Our Coast
3 revenue bonds.

4 (b) Subject to the maximum amount of limitations set
5 forth in this paragraph, an amount necessary to pay the debt
6 service on, or fund debt service reserve funds, rebate
7 obligations, or other amounts with respect to bonds issued
8 pursuant to s. 375.051 and s. 11(e), Art. VII or s. 9, Art XII
9 of the State Constitution and payable from moneys transferred
10 to the Florida Everglades Restoration Trust Fund pursuant to
11 this paragraph shall be paid into the State Treasury to the
12 credit of the Florida Everglades Restoration Trust Fund to be
13 used for restudy project components. The amount transferred to
14 the Florida Everglades Restoration Trust Fund may not exceed
15 \$10 million in fiscal year 2000-2001, \$20 million in fiscal
16 year 2001-2002, \$30 million in fiscal year 2002-2003, \$40
17 million in fiscal year 2003-2004, \$50 million in fiscal year
18 2004-2005, \$60 million in fiscal year 2005-2006, \$70 million
19 in fiscal year 2006-2007, \$80 million in fiscal year
20 2007-2008, \$90 million in fiscal year 2008-2009 and \$100
21 million in fiscal year 2009-2010 and thereafter. An individual
22 series of bonds may not be issued under this paragraph unless
23 the first year's debt service for such bonds is specifically
24 appropriated in the General Appropriations Act. Moneys
25 transferred to the Florida Everglades Restoration Trust Fund
26 under this paragraph, or earnings thereon, may not be used or
27 made available to pay debt service on the Save Our Coast
28 revenue bonds.

29 (c)~~(b)~~ The remainder of the moneys distributed under
30 this subsection, after the required payment under paragraphs
31 paragraph (a) and (b), shall be paid into the State Treasury

1 to the credit of the Land Acquisition Trust Fund and may be
2 used for any purpose for which funds deposited in the Land
3 Acquisition Trust Fund may lawfully be used. Payments made
4 under this paragraph shall continue until the cumulative
5 amount credited to the Land Acquisition Trust Fund for the
6 fiscal year under this paragraph and paragraph (2)(b) equals
7 70 percent of the current official forecast for distributions
8 of taxes collected under this chapter pursuant to subsection
9 (2). As used in this paragraph, the term "current official
10 forecast" means the most recent forecast as determined by the
11 Revenue Estimating Conference. If the current official
12 forecast for a fiscal year changes after payments under this
13 paragraph have ended during that fiscal year, no further
14 payments are required under this paragraph during the fiscal
15 year.

16 (d)~~(c)~~ The remainder of the moneys distributed under
17 this subsection, after the required payments under paragraphs
18 (a), and (b), and (c), shall be paid into the State Treasury
19 to the credit of the General Revenue Fund of the state to be
20 used and expended for the purposes for which the General
21 Revenue Fund was created and exists by law or to the Ecosystem
22 Management and Restoration Trust Fund as provided in
23 subsection (8).

24 (2) Seven and fifty-six hundredths percent of the
25 remaining taxes collected under this chapter shall be used for
26 the following purposes:

27 (a) Beginning in the month following the final payment
28 for a fiscal year under paragraph (1)(c)~~(1)(b)~~, available
29 moneys shall be paid into the State Treasury to the credit of
30 the General Revenue Fund of the state to be used and expended
31 for the purposes for which the General Revenue Fund was

1 created and exists by law or to the Ecosystem Management and
2 Restoration Trust Fund as provided in subsection (8). Payments
3 made under this paragraph shall continue until the cumulative
4 amount credited to the General Revenue Fund for the fiscal
5 year under this paragraph equals the cumulative payments made
6 under paragraph (1)(c)~~(1)(b)~~ for the same fiscal year.

7 (b) The remainder of the moneys distributed under this
8 subsection shall be paid into the State Treasury to the credit
9 of the Land Acquisition Trust Fund. Sums deposited in the fund
10 pursuant to this subsection may be used for any purpose for
11 which funds deposited in the Land Acquisition Trust Fund may
12 lawfully be used.

13 (8) From the moneys specified in paragraphs (1)(d)
14 ~~(1)(c)~~ and (2)(a) and prior to deposit of any moneys into the
15 General Revenue Fund, \$10 million shall be paid into the State
16 Treasury to the credit of the Ecosystem Management and
17 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
18 in fiscal year 1999-2000, and \$30 million in fiscal year
19 2000-2001 and each fiscal year thereafter, to be used for the
20 preservation and repair of the state's beaches as provided in
21 ss. 161.091-161.212.

22 (9) The Department of Revenue may use the payments
23 credited to trust funds pursuant to paragraphs (1)(c)~~(1)(b)~~
24 and (2)(b) and subsections (3), (4), (5), (6), and (7) to pay
25 the costs of the collection and enforcement of the tax levied
26 by this chapter. The percentage of such costs which may be
27 assessed against a trust fund is a ratio, the numerator of
28 which is payments credited to that trust fund under this
29 section and the denominator of which is the sum of payments
30 made under paragraphs (1)(c)~~(1)(b)~~ and (2)(b) and subsections
31 (3), (4), (5), (6), and (7).

1 Section 3. This act shall take effect July 1, 2000.

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3 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
4 COMMITTEE SUBSTITUTE FOR
5 SB 2156

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7 The act has been retitled as the Florida Everglades
8 Restoration Act and will provide funds solely for restudy
9 project components. The bill defines "restudy project
10 component" as any structural or operational change, resulting
11 from the Comprehensive Review Study of the Central and
12 Southern Florida Project, to the Central and Southern Florida
13 Project as it existed and was operated as of January 1, 1999,
14 and for which federal participation was authorized by the
15 federal Water Resources Development Acts of 1992 and 1996,
16 together with related congressional resolutions.

17 The bill provides findings regarding the importance of aquatic
18 systems to the South Florida region and the need to restore
19 the damaged ecosystem, and that restoration is equitably
20 achieved with bond financing.

21 The DEP will release funds from the Florida Everglades
22 Restoration Trust Fund to the SFWMD following receipt of a
23 resolution adopted by the governing board which identifies and
24 justifies the costs of the restudy project component to be
25 funded. The Secretary of Environmental Protection may
26 withhold moneys for any restudy project component for which
27 the costs are not identified and justified. The governing
28 board may appeal any denial to the Land and Water Adjudicatory
29 Commission under s. 373.114.

30 Bond proceeds will be spent only on restudy project components
31 that meet at least one of the following criteria:

- 32 - Projects that are joint federal-state partnerships with
33 project plans reflecting cost-share with federal or
34 local governments.
- 35 - Projects to restore natural water flows, retain seasonal
36 flows, release impounded water, or improve a system's
37 ability to remove nutrients and sediments.
- 38 - Projects that restore freshwater flows to major
39 estuarine systems including Florida Bay and Biscayne
40 Bay.
- 41 - Projects that have a goal of restoring native plant and
42 animal communities.
- 43 - Projects that meet one or more of the provisions of s.
44 11(e), Art. VII of the State Constitution.

45 The funds provided by this act may not be used for any restudy
46 project component, or portion thereof, related to the
47 treatment, transmission, or distribution of water for sale,
48 resale, or end-use to consumers.