

By Senator Rossin

35-1266-00

See HB 717

1 A bill to be entitled
2 An act relating to South Florida water
3 restoration; creating s. 259.202, F.S.;
4 creating the "South Florida Water Restoration
5 Act"; defining the term "restudy project
6 component"; providing legislative findings;
7 providing for the deposit of specified funds
8 into the South Florida Water Restoration Trust
9 Fund; requiring specified matching funds from
10 existing ad valorem tax revenues; providing
11 criteria for restoration projects; providing
12 the uses of funds; amending s. 201.15, F.S.;
13 revising the distribution of documentary stamp
14 tax revenues; providing effective dates.

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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 South Florida Water Restoration Act.--

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

23 (2) DEFINITION.--As used in this section, 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, and nutrient and
14 sediment removal, will be undertaken as part of the restudy,
15 subject to available funds.

16 (d) Implementation of the restudy is projected to
17 require several billion dollars in matching funds from state
18 sources, and the establishment of a mechanism to provide the
19 needed funding is appropriate at this time.

20 (4) RESTORATION PROJECTS SUPPLEMENTED.--

21 (a) Each year, for 10 consecutive years beginning in
22 fiscal year 2000-2001, \$80 million of the funds provided
23 pursuant to s. 201.15(9) as created by this act shall be
24 deposited into the South Florida Water Restoration Trust Fund
25 created by s. 259.2021.

26 (b) Each year, for 10 consecutive years beginning in
27 fiscal year 2001-2001, the South Florida Water Management
28 District shall deposit \$25 million of the funds provided to
29 the district pursuant to s. 259.105(3) and (11) into the South
30 Florida Water Restoration Trust Fund created by s. 259.2021.

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1 (c) Each year, for 10 consecutive years beginning in
2 fiscal year 2000-2001, the Department of Environmental
3 Protection shall deposit \$25 million of the funds provided to
4 the department pursuant to s. 259.105(3) into the South
5 Florida Water Restoration Trust Fund created by s. 259.2021.
6 All distributions of trust fund moneys deposited pursuant to
7 this paragraph must be matched on an equal basis by existing
8 ad valorem tax revenues from the South Florida Water
9 Management District.

10 (d) The Department of Environmental Protection shall
11 release funds from the South Florida Water Restoration Trust
12 Fund to the South Florida Water Management District following
13 receipt of a resolution adopted by the district governing
14 board which identifies and justifies the costs of the restudy
15 project component to be funded. The Secretary of Environmental
16 Protection may withhold moneys for any restudy project
17 component for which the costs are not identified and
18 justified. The governing board may appeal any such withholding
19 or denial of funds to the Land and Water Adjudicatory
20 Commission under s. 373.114.

21 (5) PROJECT CRITERIA.--

22 (a) Funds distributed pursuant to subsection (4) shall
23 be spent only on restudy project components that meet at least
24 one of the following criteria:

25 1. Projects that are joint federal-state partnerships
26 with project plans reflecting cost-share with federal or local
27 governments.

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

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1 3. Projects that restore freshwater flows to major
2 estuarine systems, including Florida Bay and Biscayne Bay.

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

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

7 (b) The funds provided by this section may not be used
8 for any restudy project component, or portion thereof, related
9 to the treatment, transmission, or distribution of water for
10 sale, resale, or end-use to consumers.

11 Section 2. Paragraph (c) of subsection (1) and
12 paragraph (a) of subsection (2) of section 201.15, Florida
13 Statutes, are amended, present subsection (9) is renumbered as
14 subsection (10), and a new subsection (9) is added to that
15 section, to read:

16 201.15 Distribution of taxes collected.--All taxes
17 collected under this chapter shall be distributed as follows
18 and shall be subject to the service charge imposed in s.
19 215.20(1), except that such service charge shall not be levied
20 against any portion of taxes pledged to debt service on bonds
21 to the extent that the amount of the service charge is
22 required to pay any amounts relating to the bonds:

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

26 (c) The remainder of the moneys distributed under this
27 subsection, after the required payments under paragraphs (a)
28 and (b), shall be paid into the State Treasury to the credit
29 of the General Revenue Fund of the state to be used and
30 expended for the purposes for which the General Revenue Fund
31 was created and exists by law or to the Ecosystem Management

1 and Restoration Trust Fund as provided in subsection (8) or to
2 the South Florida Water Restoration Trust Fund as provided in
3 subsection (9).

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

7 (a) Beginning in the month following the final payment
8 for a fiscal year under paragraph (1)(b), available moneys
9 shall be paid into the State Treasury to the credit of the
10 General Revenue Fund of the state to be used and expended for
11 the purposes for which the General Revenue Fund was created
12 and exists by law or to the Ecosystem Management and
13 Restoration Trust Fund as provided in subsection (8) or to the
14 South Florida Water Restoration Trust Fund as provided in
15 subsection (9). Payments made under this paragraph shall
16 continue until the cumulative amount credited to the General
17 Revenue Fund for the fiscal year under this paragraph equals
18 the cumulative payments made under paragraph (1)(b) for the
19 same fiscal year.

20 (9) From the moneys specified in paragraphs (1)(c) and
21 (2)(a) and prior to deposit of any moneys into the General
22 Revenue Fund, \$80 million shall be paid into the State
23 Treasury to the credit of the South Florida Water Restoration
24 Trust Fund created by s. 259.2021, in fiscal year 2000-2001
25 and for 9 consecutive years thereafter, to be used as provided
26 in s. 259.202.

27 Section 3. Effective July 1, 2001, paragraph (c) of
28 subsection (1) and paragraph (a) of subsection (2) of section
29 201.15, Florida Statutes, as amended by chapter 99-247, Laws
30 of Florida, are amended, subsections (12), (13), and (14) are
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1 renumbered as subsections (13), (14), and (15), respectively,
2 and a new subsection (12) is added to that section, to read:

3 201.15 Distribution of taxes collected.--All taxes
4 collected under this chapter shall be distributed as follows
5 and shall be subject to the service charge imposed in s.
6 215.20(1), except that such service charge shall not be levied
7 against any portion of taxes pledged to debt service on bonds
8 to the extent that the amount of the service charge is
9 required to pay any amounts relating to the bonds:

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 (c) The remainder of the moneys distributed under this
14 subsection, after the required payments under paragraph (a),
15 shall be paid into the State Treasury to the credit of the
16 General Revenue Fund of the state to be used and expended for
17 the purposes for which the General Revenue Fund was created
18 and exists by law or to the Ecosystem Management and
19 Restoration Trust Fund as provided in subsection (11) or to
20 the South Florida Water Restoration Trust Fund as provided in
21 subsection (12).

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

25 (a) Beginning in the month following the final payment
26 for a fiscal year under paragraph (1)(b), available moneys
27 shall be paid into the State Treasury to the credit of the
28 General Revenue Fund of the state to be used and expended for
29 the purposes for which the General Revenue Fund was created
30 and exists by law or to the Ecosystem Management and
31 Restoration Trust Fund as provided in subsection (11) or to

1 the South Florida Water Restoration Trust Fund as provided in
2 subsection (12). Payments made under this paragraph shall
3 continue until the cumulative amount credited to the General
4 Revenue Fund for the fiscal year under this paragraph equals
5 the cumulative payments made under paragraph (1)(b) for the
6 same fiscal year.

7 (12) From the moneys specified in paragraphs (1)(c)
8 and (2)(a) and prior to deposit of any moneys into the General
9 Revenue Fund, \$80 million shall be paid into the State
10 Treasury to the credit of the South Florida Water Restoration
11 Trust Fund created by s. 259.2021, in fiscal year 2000-2001
12 and for 9 consecutive years thereafter, to be used as provided
13 in s. 259.202.

14 Section 4. Except as otherwise provided in this act,
15 this act shall take effect July 1, 2000.

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18 LEGISLATIVE SUMMARY

19 Creates the "South Florida Water Restoration Act."
20 Defines "restudy project component" and provides
21 legislative findings with regard to the Comprehensive
22 Review Study of the Central and Southern Florida Project.
23 Provides for the following deposits into the South
24 Florida Water Restoration Trust Fund, annually for a
25 period of 10 years, to be used for restoration projects:
26 \$80 million from documentary stamp tax revenues, \$25
27 million from South Florida Water Management District
28 Florida Forever Trust Fund moneys, and \$25 million from
29 Department of Environmental Protection Florida Forever
30 Trust Fund moneys to be matched by existing ad valorem
31 tax revenues from the South Florida Water Management
District. Restricts expenditures from the South Florida
Water Restoration Trust Fund to restudy project
components that meet criteria specified in the act.