

By Senator Saunders

25-1241-00

1 A bill to be entitled
2 An act relating to Everglades restoration and
3 funding; amending s. 201.15, F.S.; authorizing
4 the distribution of documentary stamp tax funds
5 to the Everglades Restoration Reserve Trust
6 Fund; amending s. 215.22, F.S.; excluding the
7 trust fund from the general revenue surcharge;
8 amending s. 259.101, F.S.; providing for a
9 redistribution of Preservation 2000 program
10 cash balances; deleting a requirement for the
11 redistribution of specified unencumbered
12 balances; deleting a provision for the carrying
13 forward of unspent funds; abrogating the repeal
14 of provisions relating to the acquisition of
15 less than fee-simple title to lands; amending
16 s. 259.105, F.S.; providing for the transfer of
17 funds from the Florida Forever Trust Fund into
18 the Everglades Restoration Reserve Trust Fund;
19 amending s. 259.1051, F.S.; excluding
20 Everglades Restoration Reserve Trust Fund
21 distributions from a requirement that the funds
22 be spent within a specified time after
23 transfer; creating s. 373.470, F.S.; creating
24 the "Everglades Investment and Accountability
25 Act"; defining terms; providing findings;
26 providing for the deposit of specified funds
27 into the Everglades Restoration Reserve Trust
28 Fund; providing for supplemental funds;
29 providing for distributions from the trust
30 fund; providing for credit for work performed;
31 providing for an annual report and a progress

1 report; amending s. 375.045, F.S.; excluding
2 Everglades Restoration Reserve Trust Fund
3 distributions from a requirement that they be
4 spent within a specified time after transfer;
5 providing effective dates.
6

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

9 Section 1. Effective July 1, 2001, section 201.15,
10 Florida Statutes, as amended by section 2 of chapter 99-247,
11 Laws of Florida, is amended to read:

12 201.15 Distribution of taxes collected.--All taxes
13 collected under this chapter shall be distributed as follows
14 and shall be subject to the service charge imposed in s.
15 215.20(1), except that such service charge shall not be levied
16 against any portion of taxes pledged to debt service on bonds
17 to the extent that the amount of the service charge is
18 required to pay any amounts relating to the bonds:

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

22 (a) Amounts as shall be necessary to pay the debt
23 service on, or fund debt service reserve funds, rebate
24 obligations, or other amounts payable with respect to
25 Preservation 2000 bonds issued pursuant to s. 375.051 and
26 Florida Forever bonds issued pursuant to s. 215.618, shall be
27 paid into the State Treasury to the credit of the Land
28 Acquisition Trust Fund to be used for such purposes. The
29 amount transferred to the Land Acquisition Trust Fund for such
30 purposes shall not exceed \$300 million in fiscal year
31 1999-2000 and thereafter for Preservation 2000 bonds and bonds

1 issued to refund Preservation 2000 bonds, and \$300 million in
2 fiscal year 2000-2001 and thereafter for Florida Forever
3 bonds. The annual amount transferred to the Land Acquisition
4 Trust Fund for Florida Forever bonds shall not exceed \$30
5 million in the first fiscal year in which bonds are issued.
6 The limitation on the amount transferred shall be increased by
7 an additional \$30 million in each subsequent fiscal year in
8 which bonds are authorized to be issued, but shall not exceed
9 a total of \$300 million in any fiscal year for all bonds
10 issued. It is the intent of the Legislature that all bonds
11 issued to fund the Florida Forever Act be retired by December
12 31, 2030. Except for bonds issued to refund previously issued
13 bonds, no series of bonds may be issued pursuant to this
14 paragraph unless such bonds are approved and the first year's
15 debt service for such bonds is specifically appropriated in
16 the General Appropriations Act. For purposes of refunding
17 Preservation 2000 bonds, amounts designated within this
18 section for Preservation 2000 and Florida Forever bonds may be
19 transferred between the two programs to the extent provided
20 for in the documents authorizing the issuance of the bonds.
21 The Preservation 2000 bonds and Florida Forever bonds shall be
22 equally and ratably secured by moneys distributable to the
23 Land Acquisition Trust Fund pursuant to this section, except
24 to the extent specifically provided otherwise by the documents
25 authorizing the issuance of the bonds. No moneys transferred
26 to the Land Acquisition Trust Fund pursuant to this paragraph,
27 or earnings thereon, shall be used or made available to pay
28 debt service on the Save Our Coast revenue bonds.

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

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

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

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)(b), available moneys
29 shall be paid into the State Treasury to the credit of the
30 General Revenue Fund of the state to be used and expended for
31 the purposes for which the General Revenue Fund was created

1 and exists by law or to the Ecosystem Management and
2 Restoration Trust Fund as provided in subsection (11) or to
3 the Everglades Restoration Reserve Trust Fund as provided in
4 subsection (12). Payments made under this paragraph shall
5 continue until the cumulative amount credited to the General
6 Revenue Fund for the fiscal year under this paragraph equals
7 the cumulative payments made under paragraph (1)(b) for the
8 same fiscal year.

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

15 (3) One and ninety-four hundredths percent of the
16 remaining taxes collected under this chapter shall be paid
17 into the State Treasury to the credit of the Land Acquisition
18 Trust Fund. Moneys deposited in the trust fund pursuant to
19 this section shall be used for the following purposes:

20 (a) Sixty percent of the moneys shall be used to
21 acquire coastal lands or to pay debt service on bonds issued
22 to acquire coastal lands; and

23 (b) Forty percent of the moneys shall be used to
24 develop and manage lands acquired with moneys from the Land
25 Acquisition Trust Fund.

26 (4) Four and two-tenths percent of the remaining taxes
27 collected under this chapter shall be paid into the State
28 Treasury to the credit of the Water Management Lands Trust
29 Fund. Sums deposited in that fund may be used for any purpose
30 authorized in s. 373.59.

31

1 (5) Four and two-tenths percent of the remaining taxes
2 collected under this chapter shall be paid into the State
3 Treasury to the credit of the Conservation and Recreation
4 Lands Trust Fund to carry out the purposes set forth in s.
5 259.032. Nine and one-half percent of the amount credited to
6 the Conservation and Recreation Lands Trust Fund pursuant to
7 this subsection shall be transferred to the State Game Trust
8 Fund and used for land management activities.

9 (6) Two and twenty-eight hundredths percent of the
10 remaining taxes collected under this chapter shall be paid
11 into the State Treasury to the credit of the Aquatic Plant
12 Control Trust Fund to carry out the purposes set forth in ss.
13 369.22 and 369.252.

14 (7) One-half of one percent of the remaining taxes
15 collected under this chapter shall be paid into the State
16 Treasury to the credit of the State Game Trust Fund to be used
17 exclusively for the purpose of implementing the Lake
18 Restoration 2020 Program.

19 (8) One-half of one percent of the remaining taxes
20 collected under this chapter shall be paid into the State
21 Treasury and divided equally to the credit of the Department
22 of Environmental Protection Grants and Donations Trust Fund to
23 address water quality impacts associated with nonagricultural
24 nonpoint sources and to the credit of the Department of
25 Agriculture and Consumer Services General Inspection Trust
26 Fund to address water quality impacts associated with
27 agricultural nonpoint sources, respectively. These funds shall
28 be used for research, development, demonstration, and
29 implementation of suitable best management practices or other
30 measures used to achieve water quality standards in surface
31 waters and water segments identified pursuant to ss. 303(d) of

1 the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et
2 seq. Implementation of best management practices and other
3 measures may include cost-share grants, technical assistance,
4 implementation tracking, and conservation leases or other
5 agreements for water quality improvement.

6 (9) Seven and fifty-three hundredths percent of the
7 remaining taxes collected under this chapter shall be paid
8 into the State Treasury to the credit of the State Housing
9 Trust Fund and shall be used as follows:

10 (a) Half of that amount shall be used for the purposes
11 for which the State Housing Trust Fund was created and exists
12 by law.

13 (b) Half of that amount shall be paid into the State
14 Treasury to the credit of the Local Government Housing Trust
15 Fund and shall be used for the purposes for which the Local
16 Government Housing Trust Fund was created and exists by law.

17 (10) Eight and sixty-six hundredths percent of the
18 remaining taxes collected under this chapter shall be paid
19 into the State Treasury to the credit of the State Housing
20 Trust Fund and shall be used as follows:

21 (a) Twelve and one-half percent of that amount shall
22 be deposited into the State Housing Trust Fund and be expended
23 by the Department of Community Affairs and by the Florida
24 Housing Finance Corporation ~~Agency~~ for the purposes for which
25 the State Housing Trust Fund was created and exists by law.

26 (b) Eighty-seven and one-half percent of that amount
27 shall be distributed to the Local Government Housing Trust
28 Fund and shall be used for the purposes for which the Local
29 Government Housing Trust Fund was created and exists by law.
30 Funds from this category may also be used to provide for state
31 and local services to assist the homeless.

1 (11) From the moneys specified in paragraphs (1)(c)
2 and (2)(a) and prior to deposit of any moneys into the General
3 Revenue Fund, \$10 million shall be paid into the State
4 Treasury to the credit of the Ecosystem Management and
5 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
6 in fiscal year 1999-2000, and \$30 million in fiscal year
7 2000-2001 and each fiscal year thereafter, to be used for the
8 preservation and repair of the state's beaches as provided in
9 ss. 161.091-161.212.

10 (12) Beginning in fiscal year 2001-2002, from the
11 moneys specified in paragraphs (1)(c) and (2)(a) and before
12 deposit of any moneys into the General Revenue Fund, \$75
13 million shall be paid into the State Treasury to the credit of
14 the Everglades Restoration Reserve Trust Fund. This subsection
15 expires June 30, 2010.

16 ~~(13)~~ The Department of Revenue may use the
17 payments credited to trust funds pursuant to paragraphs (1)(b)
18 and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9),
19 and (10) to pay the costs of the collection and enforcement of
20 the tax levied by this chapter. The percentage of such costs
21 which may be assessed against a trust fund is a ratio, the
22 numerator of which is payments credited to that trust fund
23 under this section and the denominator of which is the sum of
24 payments made under paragraphs (1)(b) and (2)(b) and
25 subsections (3), (4), (5), (6), (7), (8), (9), and (10).

26 ~~(14)~~ The distribution of proceeds deposited into
27 the Water Management Lands Trust Fund and the Conservation and
28 Recreation Lands Trust Fund, pursuant to subsections (4) and
29 (5), shall not be used for land acquisition, but may be used
30 for preacquisition costs associated with land purchases. The
31 Legislature intends that the Florida Forever program supplant

1 the acquisition programs formerly authorized under ss. 259.032
2 and 373.59. Prior to the 2005 Regular Session of the
3 Legislature, the Acquisition and Restoration Council shall
4 review and make recommendations to the Legislature concerning
5 the need to repeal this provision. Based on these
6 recommendations, the Legislature shall review the need to
7 repeal this provision during the 2005 Regular Session.

8 (15)~~(14)~~ Amounts distributed pursuant to subsections
9 (5), (6), (7) and (8) are subject to the payment of debt
10 service on outstanding Conservation and Recreation Lands
11 revenue bonds.

12 Section 2. Paragraph (v) is added to subsection (1) of
13 section 215.22, Florida Statutes, to read:

14 215.22 Certain income and certain trust funds
15 exempt.--

16 (1) The following income of a revenue nature or the
17 following trust funds shall be exempt from the deduction
18 required by s. 215.20(1):

19 (v) The Everglades Restoration Trust Fund.

20 Section 3. Subsections (3) and (9) of section 259.101,
21 Florida Statutes, are amended to read:

22 259.101 Florida Preservation 2000 Act.--

23 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
24 costs of issuance, the costs of funding reserve accounts, and
25 other costs with respect to the bonds, the proceeds of bonds
26 issued pursuant to this act shall be deposited into the
27 Florida Preservation 2000 Trust Fund created by s. 375.045.
28 Ten percent of the proceeds of any bonds deposited into the
29 Preservation 2000 Trust Fund shall be distributed by the
30 Department of Environmental Protection to the Department of
31 Environmental Protection for the purchase by the South Florida

1 Water Management District of lands in Dade, Broward, and Palm
2 Beach Counties identified in s. 7, chapter 95-349, Laws of
3 Florida. This distribution shall apply for any bond issue for
4 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
5 \$20 million per year from the proceeds of any bonds deposited
6 into the Florida Preservation 2000 Trust Fund shall be
7 distributed by the Department of Environmental Protection to
8 the St. Johns Water Management District for the purchase of
9 lands necessary to restore Lake Apopka. In fiscal year
10 2000-2001, for each Florida Preservation 2000 program
11 described in paragraphs (3)(a) through (3)(g), that portion of
12 each program's total remaining cash balance which, as of June
13 30, 2000, exceeds the program's total remaining appropriation
14 balances shall be redistributed by the department and
15 deposited into the Everglades Restoration Reserve Trust Fund
16 for land acquisition. For purposes of calculating the total
17 remaining cash balances for this redistribution, the Florida
18 Preservation 2000 Series 2000 bond proceeds, including
19 interest thereon, and the fiscal year 1999-2000 General
20 Appropriations Act amounts shall be deducted from the
21 remaining cash and appropriation balances, respectively.The
22 remaining proceeds shall be distributed by the Department of
23 Environmental Protection in the following manner:

24 (a) Fifty percent to the Department of Environmental
25 Protection for the purchase of public lands as described in s.
26 259.032. Of this 50 percent, at least one-fifth shall be used
27 for the acquisition of coastal lands.

28 (b) Thirty percent to the Department of Environmental
29 Protection for the purchase of water management lands pursuant
30 to s. 373.59, to be distributed among the water management
31 districts as provided in that section. Funds received by each

1 district may also be used for acquisition of lands necessary
2 to implement surface water improvement and management plans
3 approved in accordance with s. 373.456 or for acquisition of
4 lands necessary to implement the Everglades Construction
5 Project authorized by s. 373.4592.

6 (c) Ten percent to the Department of Community Affairs
7 to provide land acquisition grants and loans to local
8 governments through the Florida Communities Trust pursuant to
9 part III of chapter 380. From funds allocated to the trust,
10 \$3 million annually shall be used by the Green Swamp Land
11 Authority specifically for the purchase through land
12 protection agreements, as defined in s. 380.0677(4)~~s.~~
13 ~~380.0677(5)~~, of lands, or severable interests or rights in
14 lands, in the Green Swamp Area of Critical State Concern.
15 From funds allocated to the trust, \$3 million annually shall
16 be used by the Monroe County Comprehensive Plan Land Authority
17 specifically for the purchase of any real property interest in
18 either those lands subject to the Rate of Growth Ordinances
19 adopted by local governments in Monroe County or those lands
20 within the boundary of an approved Conservation and Recreation
21 Lands project located within the Florida Keys or Key West
22 Areas of Critical State Concern; however, title to lands
23 acquired within the boundary of an approved Conservation and
24 Recreation Lands project may, in accordance with an approved
25 joint acquisition agreement, vest in the Board of Trustees of
26 the Internal Improvement Trust Fund. Of the remaining funds
27 allocated to the trust after the above transfers occur,
28 one-half shall be matched by local governments on a
29 dollar-for-dollar basis. To the extent allowed by federal
30 requirements for the use of bond proceeds, the trust shall

31

1 expend Preservation 2000 funds to carry out the purposes of
2 part III of chapter 380.

3 (d) Two and nine-tenths percent to the Department of
4 Environmental Protection for the purchase of inholdings and
5 additions to state parks. For the purposes of this paragraph,
6 "state park" means all real property in the state under the
7 jurisdiction of the Division of Recreation and Parks of the
8 department, or which may come under its jurisdiction.

9 (e) Two and nine-tenths percent to the Division of
10 Forestry of the Department of Agriculture and Consumer
11 Services to fund the acquisition of state forest inholdings
12 and additions pursuant to s. 589.07.

13 (f) Two and nine-tenths percent to the Fish and
14 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
15 fund the acquisition of inholdings and additions to lands
16 managed by the commission which are important to the
17 conservation of fish and wildlife.

18 (g) One and three-tenths percent to the Department of
19 Environmental Protection for the Florida Greenways and Trails
20 Program, to acquire greenways and trails or greenways and
21 trails systems pursuant to chapter 260, including, but not
22 limited to, abandoned railroad rights-of-way and the Florida
23 National Scenic Trail.

24
25 Local governments may use federal grants or loans, private
26 donations, or environmental mitigation funds, including
27 environmental mitigation funds required pursuant to s.
28 338.250, for any part or all of any local match required for
29 the purposes described in this subsection. Bond proceeds
30 allocated pursuant to paragraph (c) may be used to purchase
31 lands on the priority lists developed pursuant to s. 259.035.

1 Title to lands purchased pursuant to paragraphs (a), (d), (e),
2 (f), and (g) shall be vested in the Board of Trustees of the
3 Internal Improvement Trust Fund, except that title to lands,
4 or rights or interests therein, acquired by either the
5 Southwest Florida Water Management District or the St. Johns
6 River Water Management District in furtherance of the Green
7 Swamp Land Authority's mission pursuant to s. 380.0677(2)~~s.~~
8 ~~380.0677(3)~~, shall be vested in the district where the
9 acquisition project is located. Title to lands purchased
10 pursuant to paragraph (c) may be vested in the Board of
11 Trustees of the Internal Improvement Trust Fund, except that
12 title to lands, or rights or interests therein, acquired by
13 either the Southwest Florida Water Management District or the
14 St. Johns River Water Management District in furtherance of
15 the Green Swamp Land Authority's mission pursuant to s.
16 380.0677(2)~~s. 380.0677(3)~~, shall be vested in the district
17 where the acquisition project is located. This subsection is
18 repealed effective October 1, 2000. Prior to repeal, the
19 Legislature shall review the provisions scheduled for repeal
20 and shall determine whether to reenact or modify the
21 provisions or to take no action.

22 (9)(a) The Legislature finds that, with the increasing
23 pressures on the natural areas of this state, the state must
24 develop creative techniques to maximize the use of acquisition
25 and management moneys. The Legislature also finds that the
26 state's environmental land-buying agencies should be
27 encouraged to augment their traditional, fee simple
28 acquisition programs with the use of alternatives to fee
29 simple acquisition techniques. The Legislature also finds
30 that using alternatives to fee simple acquisition by public
31

1 land-buying agencies will achieve the following public policy
2 goals:

- 3 1. Allow more lands to be brought under public
4 protection for preservation, conservation, and recreational
5 purposes at less expense using public funds.
- 6 2. Retain, on local government tax rolls, some portion
7 of or interest in lands which are under public protection.
- 8 3. Reduce long-term management costs by allowing
9 private property owners to continue acting as stewards of the
10 land, where appropriate.

11

12 Therefore, it is the intent of the Legislature that public
13 land-buying agencies develop programs to pursue alternatives
14 to fee simple acquisition and to educate private landowners
15 about such alternatives and the benefits of such alternatives.
16 It also is the intent of the Legislature that the department
17 and the water management districts spend a portion of their
18 shares of Preservation 2000 bond proceeds to purchase eligible
19 properties using alternatives to fee simple acquisition.
20 Finally, it is the intent of the Legislature that public
21 agencies acquire lands in fee simple for public access and
22 recreational activities. Lands protected using alternatives
23 to fee simple acquisition techniques shall not be accessible
24 to the public unless such access is negotiated with and agreed
25 to by the private landowners who retain interests in such
26 lands.

27 (b) The Land Acquisition Advisory Council and the
28 water management districts shall identify, within their 1997
29 acquisition plans, those projects which require a full fee
30 simple interest to achieve the public policy goals, along with
31 the reasons why full title is determined to be necessary. The

1 council and the water management districts may use
2 alternatives to fee simple acquisition to bring the remaining
3 projects in their acquisition plans under public protection.
4 For the purposes of this subsection, the term "alternatives to
5 fee simple acquisition" includes, but is not limited to:
6 purchase of development rights; conservation easements;
7 flowage easements; purchase of timber rights, mineral rights,
8 or hunting rights; purchase of agricultural interests or
9 silvicultural interests; land protection agreements; fee
10 simple acquisitions with reservations; or any other
11 acquisition technique which achieves the public policy goals
12 listed in paragraph (a). It is presumed that a private
13 landowner retains the full range of uses for all the rights or
14 interests in the landowner's land which are not specifically
15 acquired by the public agency. Life estates and fee simple
16 acquisitions with leaseback provisions shall not qualify as an
17 alternative to fee simple acquisition under this subsection,
18 although the department and the districts are encouraged to
19 use such techniques where appropriate.

20 (c) Beginning in fiscal year 1996-1997, the department
21 and each water management district shall implement initiatives
22 to use alternatives to fee simple acquisition and to educate
23 private landowners about such alternatives. These initiatives
24 shall include at least two acquisitions a year by the
25 department and each water management district utilizing
26 alternatives to fee simple.

27 (d) The Legislature finds that the lack of direct
28 sales comparison information has served as an impediment to
29 successful implementation of alternatives to fee simple
30 acquisition. It is the intent of the Legislature that, in the
31 absence of direct comparable sales information, appraisals of

1 alternatives to fee simple acquisitions be based on the
2 difference between the full fee simple valuation and the value
3 of the interests remaining with the seller after acquisition.

4 (e) The public agency which has been assigned
5 management responsibility shall inspect and monitor any
6 less-than-fee-simple interest according to the terms of the
7 purchase agreement relating to such interest.

8 (f) ~~i. Pursuant to subsection (3) and beginning in~~
9 ~~fiscal year 1999-2000, that portion of the unencumbered~~
10 ~~balances of each program described in paragraphs (3)(c), (d),~~
11 ~~(e), (f), and (g) which has been on deposit in such program's~~
12 ~~Preservation 2000 account for more than 3 fiscal years shall~~
13 ~~be redistributed equally to the Department of Environmental~~
14 ~~Protection, Division of State Lands P2000 sub account for the~~
15 ~~purchase of State Lands as described in s. 259.032 and Water~~
16 ~~Management District P2000 sub account for the purchase of~~
17 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~
18 ~~373.59. For the purposes of this subsection, the term~~
19 ~~"unencumbered balances" means the portion of Preservation 2000~~
20 ~~bond proceeds which is not obligated through the signing of a~~
21 ~~purchase contract between a public agency and a private~~
22 ~~landowner, except that the program described in paragraph~~
23 ~~(3)(c) may not lose any portion of its unencumbered funds~~
24 ~~which remain unobligated because of extraordinary~~
25 ~~circumstances that hampered the affected local governments'~~
26 ~~abilities to close on land acquisition projects approved~~
27 ~~through the Florida Communities Trust program. Extraordinary~~
28 ~~circumstances shall be determined by the Florida Communities~~
29 ~~Trust governing body and may include such things as death or~~
30 ~~bankruptcy of the owner of property; a change in the land use~~
31 ~~designation of the property; natural disasters that affected a~~

1 ~~local government's ability to consummate the sales contract on~~
2 ~~such property; or any other condition that the Florida~~
3 ~~Communities Trust governing board determined to be~~
4 ~~extraordinary. The portion of the funds redistributed in the~~
5 ~~Water Management District P2000 sub account shall be~~
6 ~~distributed to the water management districts as provided in~~
7 ~~s. 373.59(8).~~

8 ~~2.~~ The department and the water management districts
9 may enter into joint acquisition agreements to jointly fund
10 the purchase of lands using alternatives to fee simple
11 techniques.

12 ~~(g) If the department or any water management district~~
13 ~~is unable to spend the funds it receives pursuant to paragraph~~
14 ~~(f) within the same fiscal year, the unspent funds shall be~~
15 ~~carried forward to the subsequent fiscal year.~~

16 ~~(h) This subsection is repealed July 1 of the year~~
17 ~~following the final authorization of Preservation 2000 bonds.~~

18 Section 4. Subsection (11) of section 259.105, Florida
19 Statutes, is amended to read:

20 259.105 The Florida Forever Act.--

21 (11) For the purposes of funding projects pursuant to
22 paragraph (3)(a), the Secretary of Environmental Protection
23 shall ensure that each water management district receives the
24 following percentage of funds annually:

25 (a) Thirty-five percent to the South Florida Water
26 Management District, of which amount \$25 million shall be
27 transferred by the Department of Environmental Protection to
28 the Everglades Restoration Reserve Trust Fund.

29 (b) Twenty-five percent to the Southwest Florida Water
30 Management District.

31

1 (c) Twenty-five percent to the St. John's River Water
2 Management District.

3 (d) Seven and one-half percent to the Suwannee River
4 Water Management District.

5 (e) Seven and one-half percent to the Northwest
6 Florida Water Management District.

7 Section 5. Subsection (2) of section 259.1051, Florida
8 Statutes, is amended to read:

9 259.1051 Florida Forever Trust Fund.--

10 (2) The Department of Environmental Protection shall
11 distribute revenues from the Florida Forever Trust Fund only
12 to programs of state agencies or local governments as set out
13 in s. 259.105(3). Excluding distributions to the Everglades
14 Restoration Reserve Trust Fund, the distributions shall be
15 spent by the recipient within 90 days after the date on which
16 the Department of Environmental Protection initiates the
17 transfer.

18 Section 6. Section 373.470, Florida Statutes, is
19 created to read:

20 373.470 EVERGLADES RESTORATION.--

21 (1) SHORT TITLE.--This section may be cited as the
22 "Everglades Investment and Accountability Act."

23 (2) DEFINITIONS.--As used in this section, the term:

24 (a) "Comprehensive Plan" means the Recommended
25 Comprehensive Plan for restoration of the South Florida
26 ecosystem, also identified as the "Initial Draft Plan,
27 Alternative D-13R, together with the Other Project Elements"
28 and described in Section 9 of the Final Integrated Feasibility
29 Report and Programmatic Environmental Impact Statement
30 submitted to Congress on July 1, 1999, under the Central and
31 Southern Florida Project Comprehensive Review Study or

1 "Restudy" as defined in s. 373.1501. The Comprehensive Plan
2 consists of pilot projects, planning, design, construction and
3 operation features, real estate requirements, mitigation, a
4 monitoring program, and operation and maintenance of the
5 completed restoration project.

6 (b) "District" means the South Florida Water
7 Management District.

8 (c) "Project" means the Central and Southern Florida
9 Project authorized under the heading "CENTRAL AND SOUTHERN
10 FLORIDA" in section 203 of the Flood Control Act of 1948 (62
11 Stat. 1176), and any modification to the project authorized by
12 law.

13 (d) "Project component" means an element, feature,
14 program, structural modification, or operational change
15 described in or resulting from the Comprehensive Plan.

16 (e) "South Florida ecosystem" means the area
17 consisting of the lands and waters within the boundary of the
18 South Florida Water Management District, including the
19 Everglades, the Florida Keys, and the contiguous near-shore
20 coastal waters of South Florida.

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

22 (a) Human alteration of Florida's natural landscape
23 has interfered with the ability of lakes, wetlands, and
24 estuarine systems in the Everglades and South Florida
25 ecosystem to retain or convey water or to remove nutrients and
26 sediments from water.

27 (b) The South Florida region's continued growth and
28 economic well-being depend on managing aquatic systems to hold
29 and release rainfall for environmental, agricultural,
30 industrial, and water resource protection purposes; to support
31

1 abundant native fish, wildlife, and plant communities; and to
2 enhance aesthetic and recreational uses.

3 (c) Implementation of the Comprehensive Plan is
4 critical for the conservation and protection of natural
5 resources, the improvement of water quality in the Everglades
6 and South Florida ecosystem, and assurance of public safety in
7 the event of natural disasters or emergencies.

8 (d) Restoration of the Everglades and South Florida
9 ecosystem, including the improvement of water flow and
10 retention, the reestablishment of more natural hydroperiod,
11 and the removal of excess sediment and nutrients will be
12 undertaken as part of the Comprehensive Plan, subject to the
13 availability of funds.

14 (e) In addition to restoration activities, the
15 Comprehensive Plan includes other project components necessary
16 to provide a balanced solution for the water-related needs of
17 the region, including flood control, enhancement of water
18 supplies, system integrity, and other objectives served by the
19 project.

20 (f) Implementation of the Comprehensive Plan is
21 projected to require several billion dollars from state
22 funding sources to match federal contributions to be
23 authorized and appropriated by Congress. The establishment of
24 an appropriate state funding mechanism is necessary to assure
25 dedication of state funds to the restoration effort.

26 (g) The Legislature finds that enhanced oversight and
27 accountability are necessary to ensure that the Comprehensive
28 Plan is implemented in a timely manner and within the limits
29 of the funds made available for its implementation.

30 (4) EVERGLADES RESTORATION RESERVE TRUST FUND; FUNDS
31 AUTHORIZED FOR DEPOSIT.--The following funds may be deposited

1 into the Everglades Restoration Reserve Trust Fund created by
2 s. 373.472 to finance implementation of the Comprehensive
3 Plan:
4 (a) In fiscal year 2000-2001, funds described in s.
5 259.101(3);
6 (b) Funds described in s. 373.470(5);
7 (c) Funds budgeted by the district for implementation
8 of the Comprehensive Plan, except that nothing in this
9 subsection requires the district to deposit the following
10 funds into the Everglades Restoration Reserve Trust Fund:
11 1. Ad valorem tax revenues; or
12 2. The dollar value of in-kind work performed or to be
13 performed by the district in furtherance of the Comprehensive
14 Plan and credited against funds required from the local
15 sponsor of a project component;
16 (d) Federal funds appropriated by the United States
17 Congress for implementation of the Comprehensive Plan;
18 (e) Any additional funds appropriated by the
19 Legislature for the purpose of implementing the Comprehensive
20 Plan; and
21 (f) Gifts designated for implementation of the
22 Comprehensive Plan from individuals, corporations, or other
23 entities.
24 (5) EVERGLADES RESTORATION RESERVE TRUST FUND
25 SUPPLEMENTED.--
26 (a) For each year of the 9 consecutive years beginning
27 with fiscal year 2001-2002, \$75 million of the funds described
28 in s. 201.15(12) shall be deposited into the Everglades
29 Restoration Reserve Trust Fund created by s. 373.472.
30 (b) For each year of the 10 consecutive years
31 beginning with fiscal year 2000-2001, the department shall

1 deposit \$25 million of the funds allocated to the district by
2 the department under s. 259.105(11)(a) into the Everglades
3 Restoration Reserve Trust Fund created by s. 373.472.

4 (6) DISTRIBUTIONS FROM EVERGLADES RESTORATION RESERVE
5 TRUST FUND.--The department shall distribute funds in the
6 Everglades Restoration Reserve Trust Fund to the district in
7 accordance with s. 373.026(8)(b)-(c); except that all
8 distributions of funds deposited in the Everglades Restoration
9 Reserve Trust Fund under s. 373.470(5) must be matched on an
10 equal basis by the local sponsor of the project component.

11 (7) CREDIT FOR IN-KIND WORK PERFORMED.--The dollar
12 value of in-kind work performed by the district in furtherance
13 of the Comprehensive Plan and credited against funds required
14 from the local sponsor of the project component is also a
15 credit against the district's share of funds required for
16 implementation of the Comprehensive Plan under this section.

17 (8) ANNUAL REPORT.--To provide enhanced oversight of
18 and accountability for the financial commitments established
19 under this act and the progress made in the implementation of
20 the Comprehensive Plan, the following report must be prepared
21 annually:

22 (a) The district, in cooperation with the department,
23 shall provide the following information as it relates to
24 implementation of the Comprehensive Plan:

25 1. An identification of funds, by source and amount,
26 received by the state and by each local sponsor during the
27 fiscal year;

28 2. An itemization of expenditures, by source and
29 amount, made by the state and by each local sponsor during the
30 fiscal year;

31

1 3. A description of the purpose for which the funds
2 were expended;

3 4. The unencumbered balance of funds remaining in
4 trust funds or other accounts designated for implementation of
5 the Comprehensive Plan; and

6 5. A schedule of anticipated expenditures for the next
7 fiscal year.

8 (b) The department shall prepare a detailed report on
9 all funds expended by the state and credited toward the
10 state's share of funding for implementation of the
11 Comprehensive Plan. The report shall include:

12 1. A description of all expenditures, by source and
13 amount, from the Conservation and Recreation Lands Trust Fund,
14 the Land Acquisition Trust Fund, the Preservation 2000 Trust
15 Fund, the Florida Forever Trust Fund, the Everglades
16 Restoration Reserve Trust Fund, and other named funds or
17 accounts for the acquisition or construction of project
18 components or other features or facilities that benefit the
19 Comprehensive Plan;

20 2. A description of the purpose for which the funds
21 were expended; and

22 3. The unencumbered fiscal-year-end balance that
23 remains in each trust fund or account identified in
24 subparagraph 1.

25 (c) The district, in cooperation with the department,
26 shall provide a detailed report on progress made in the
27 implementation of the Comprehensive Plan, including the status
28 of all project components initiated after the date this act
29 takes effect or the date of the last report prepared under
30 this subsection, whichever is later.

31

1 The report shall be provided to the Governor, the President of
2 the Senate, and the Speaker of the House of Representatives,
3 and copies must be made available to the public. The initial
4 report is due by November 30, 2000, and on November 30
5 annually thereafter.

6 Section 7. Subsection (2) of section 375.045, Florida
7 Statutes, is amended to read:

8 375.045 Florida Preservation 2000 Trust Fund.--

9 (2) The Department of Environmental Protection shall
10 distribute revenues from the Florida Preservation 2000 Trust
11 Fund only to programs of state agencies or local governments
12 as set out in s. 259.101(3). Excluding distributions to the
13 Everglades Restoration Reserve Trust Fund, such distributions
14 shall be spent by the recipient within 90 days after the date
15 on which the Department of Environmental Protection initiates
16 the transfer.

17 Section 8. Except as otherwise provided in this act,
18 this act shall take effect June 30, 2000.

19
20
21
22
23
24
25
26
27
28
29
30
31

SENATE SUMMARY

Creates the Everglades Investment and Accountability Act.
Provides for the distribution of specified funds into the
Everglades Restoration Reserve Trust Fund. Excludes trust
fund distributions from time limitations on spending.
Provides for a redistribution of some existing funds.
Requires reports.