

By the Committee on Natural Resources and Senator Saunders

312-1805-00

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; abrogating
16 for scheduled repeal of s. 259.101(3), F.S.;
17 amending s. 259.105, F.S.; providing for the
18 transfer of funds from the Florida Forever
19 Trust Fund into the Everglades Restoration
20 Reserve Trust Fund; amending s. 259.1051, F.S.;
21 excluding Everglades Restoration Reserve Trust
22 Fund distributions from a requirement that the
23 funds be spent within a specified time after
24 transfer; creating s. 373.470, F.S.; creating
25 the "Everglades Investment and Accountability
26 Act"; defining terms; providing findings;
27 providing for the deposit of specified funds
28 into the Everglades Restoration Reserve Trust
29 Fund; providing for supplemental funds;
30 providing for distributions from the trust
31 fund; providing for credit for work performed;

1 providing for an annual report and a progress
2 report; amending s. 375.045, F.S.; excluding
3 Everglades Restoration Reserve Trust Fund
4 distributions from a requirement that they be
5 spent within a specified time after transfer;
6 requiring the South Florida Water Management
7 District to take action to assure that a
8 specified deed reservation is terminated by a
9 specified date; providing effective dates.

10

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

12

13 Section 1. Effective July 1, 2001, section 201.15,
14 Florida Statutes, as amended by section 2 of chapter 99-247,
15 Laws of Florida, is amended 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 (a) Amounts as shall be necessary to pay the debt
27 service on, or fund debt service reserve funds, rebate
28 obligations, or other amounts payable with respect to
29 Preservation 2000 bonds issued pursuant to s. 375.051 and
30 Florida Forever bonds issued pursuant to s. 215.618, shall be
31 paid into the State Treasury to the credit of the Land

1 Acquisition Trust Fund to be used for such purposes. The
2 amount transferred to the Land Acquisition Trust Fund for such
3 purposes shall not exceed \$300 million in fiscal year
4 1999-2000 and thereafter for Preservation 2000 bonds and bonds
5 issued to refund Preservation 2000 bonds, and \$300 million in
6 fiscal year 2000-2001 and thereafter for Florida Forever
7 bonds. The annual amount transferred to the Land Acquisition
8 Trust Fund for Florida Forever bonds shall not exceed \$30
9 million in the first fiscal year in which bonds are issued.
10 The limitation on the amount transferred shall be increased by
11 an additional \$30 million in each subsequent fiscal year in
12 which bonds are authorized to be issued, but shall not exceed
13 a total of \$300 million in any fiscal year for all bonds
14 issued. It is the intent of the Legislature that all bonds
15 issued to fund the Florida Forever Act be retired by December
16 31, 2030. Except for bonds issued to refund previously issued
17 bonds, no series of bonds may be issued pursuant to this
18 paragraph unless such bonds are approved and the first year's
19 debt service for such bonds is specifically appropriated in
20 the General Appropriations Act. For purposes of refunding
21 Preservation 2000 bonds, amounts designated within this
22 section for Preservation 2000 and Florida Forever bonds may be
23 transferred between the two programs to the extent provided
24 for in the documents authorizing the issuance of the bonds.
25 The Preservation 2000 bonds and Florida Forever bonds shall be
26 equally and ratably secured by moneys distributable to the
27 Land Acquisition Trust Fund pursuant to this section, except
28 to the extent specifically provided otherwise by the documents
29 authorizing the issuance of the bonds. No moneys transferred
30 to the Land Acquisition Trust Fund pursuant to this paragraph,
31

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

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

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

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

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

14 (b) The remainder of the moneys distributed under this
15 subsection shall be paid into the State Treasury to the credit
16 of the Land Acquisition Trust Fund. Sums deposited in the fund
17 pursuant to this subsection may be used for any purpose for
18 which funds deposited in the Land Acquisition Trust Fund may
19 lawfully be used.

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

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

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

31

1 (4) 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 Water Management Lands Trust
4 Fund. Sums deposited in that fund may be used for any purpose
5 authorized in s. 373.59.

6 (5) Four and two-tenths percent of the remaining taxes
7 collected under this chapter shall be paid into the State
8 Treasury to the credit of the Conservation and Recreation
9 Lands Trust Fund to carry out the purposes set forth in s.
10 259.032. Nine and one-half percent of the amount credited to
11 the Conservation and Recreation Lands Trust Fund pursuant to
12 this subsection shall be transferred to the State Game Trust
13 Fund and used for land management activities.

14 (6) Two and twenty-eight hundredths percent of the
15 remaining taxes collected under this chapter shall be paid
16 into the State Treasury to the credit of the Aquatic Plant
17 Control Trust Fund to carry out the purposes set forth in ss.
18 369.22 and 369.252.

19 (7) One-half of one percent of the remaining taxes
20 collected under this chapter shall be paid into the State
21 Treasury to the credit of the State Game Trust Fund to be used
22 exclusively for the purpose of implementing the Lake
23 Restoration 2020 Program.

24 (8) One-half of one percent of the remaining taxes
25 collected under this chapter shall be paid into the State
26 Treasury and divided equally to the credit of the Department
27 of Environmental Protection Grants and Donations Trust Fund to
28 address water quality impacts associated with nonagricultural
29 nonpoint sources and to the credit of the Department of
30 Agriculture and Consumer Services General Inspection Trust
31 Fund to address water quality impacts associated with

1 agricultural nonpoint sources, respectively. These funds shall
2 be used for research, development, demonstration, and
3 implementation of suitable best management practices or other
4 measures used to achieve water quality standards in surface
5 waters and water segments identified pursuant to ss. 303(d) of
6 the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et
7 seq. Implementation of best management practices and other
8 measures may include cost-share grants, technical assistance,
9 implementation tracking, and conservation leases or other
10 agreements for water quality improvement.

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

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

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

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

26 (a) Twelve and one-half percent of that amount shall
27 be deposited into the State Housing Trust Fund and be expended
28 by the Department of Community Affairs and by the Florida
29 Housing Finance Corporation ~~Agency~~ for the purposes for which
30 the State Housing Trust Fund was created and exists by law.

31

1 (b) Eighty-seven and one-half percent of that amount
2 shall be distributed to the Local Government Housing Trust
3 Fund and shall be used for the purposes for which the Local
4 Government Housing Trust Fund was created and exists by law.
5 Funds from this category may also be used to provide for state
6 and local services to assist the homeless.

7 (11) 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, \$10 million shall be paid into the State
10 Treasury to the credit of the Ecosystem Management and
11 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
12 in fiscal year 1999-2000, and \$30 million in fiscal year
13 2000-2001 and each fiscal year thereafter, to be used for the
14 preservation and repair of the state's beaches as provided in
15 ss. 161.091-161.212.

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

22 ~~(13)~~~~(12)~~ The Department of Revenue may use the
23 payments credited to trust funds pursuant to paragraphs (1)(b)
24 and (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9),
25 and (10) to pay the costs of the collection and enforcement of
26 the tax levied by this chapter. The percentage of such costs
27 which may be assessed against a trust fund is a ratio, the
28 numerator of which is payments credited to that trust fund
29 under this section and the denominator of which is the sum of
30 payments made under paragraphs (1)(b) and (2)(b) and
31 subsections (3), (4), (5), (6), (7), (8), (9), and (10).

1 ~~(14)~~(13) The distribution of proceeds deposited into
2 the Water Management Lands Trust Fund and the Conservation and
3 Recreation Lands Trust Fund, pursuant to subsections (4) and
4 (5), shall not be used for land acquisition, but may be used
5 for preacquisition costs associated with land purchases. The
6 Legislature intends that the Florida Forever program supplant
7 the acquisition programs formerly authorized under ss. 259.032
8 and 373.59. Prior to the 2005 Regular Session of the
9 Legislature, the Acquisition and Restoration Council shall
10 review and make recommendations to the Legislature concerning
11 the need to repeal this provision. Based on these
12 recommendations, the Legislature shall review the need to
13 repeal this provision during the 2005 Regular Session.

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

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

20 215.22 Certain income and certain trust funds
21 exempt.--

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

25 (v) The Everglades Restoration Trust Fund.

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

28 259.101 Florida Preservation 2000 Act.--

29 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
30 costs of issuance, the costs of funding reserve accounts, and
31 other costs with respect to the bonds, the proceeds of bonds

1 issued pursuant to this act shall be deposited into the
2 Florida Preservation 2000 Trust Fund created by s. 375.045.
3 Ten percent of the proceeds of any bonds deposited into the
4 Preservation 2000 Trust Fund shall be distributed by the
5 Department of Environmental Protection to the Department of
6 Environmental Protection for the purchase by the South Florida
7 Water Management District of lands in Dade, Broward, and Palm
8 Beach Counties identified in s. 7, chapter 95-349, Laws of
9 Florida. This distribution shall apply for any bond issue for
10 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
11 \$20 million per year from the proceeds of any bonds deposited
12 into the Florida Preservation 2000 Trust Fund shall be
13 distributed by the Department of Environmental Protection to
14 the St. Johns Water Management District for the purchase of
15 lands necessary to restore Lake Apopka. In fiscal year
16 2000-2001, for each Florida Preservation 2000 program
17 described in paragraphs (3)(a) through (3)(g), that portion of
18 each program's total remaining cash balance which, as of June
19 30, 2000, exceeds the program's total remaining appropriation
20 balances shall be redistributed by the department and
21 deposited into the Everglades Restoration Reserve Trust Fund
22 for land acquisition. For purposes of calculating the total
23 remaining cash balances for this redistribution, the Florida
24 Preservation 2000 Series 2000 bond proceeds, including
25 interest thereon, and the fiscal year 1999-2000 General
26 Appropriations Act amounts shall be deducted from the
27 remaining cash and appropriation balances, respectively.The
28 remaining proceeds shall be distributed by the Department of
29 Environmental Protection in the following manner:
30 (a) Fifty percent to the Department of Environmental
31 Protection for the purchase of public lands as described in s.

1 259.032. Of this 50 percent, at least one-fifth shall be used
2 for the acquisition of coastal lands.

3 (b) Thirty percent to the Department of Environmental
4 Protection for the purchase of water management lands pursuant
5 to s. 373.59, to be distributed among the water management
6 districts as provided in that section. Funds received by each
7 district may also be used for acquisition of lands necessary
8 to implement surface water improvement and management plans
9 approved in accordance with s. 373.456 or for acquisition of
10 lands necessary to implement the Everglades Construction
11 Project authorized by s. 373.4592.

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

1 the Internal Improvement Trust Fund. Of the remaining funds
2 allocated to the trust after the above transfers occur,
3 one-half shall be matched by local governments on a
4 dollar-for-dollar basis. To the extent allowed by federal
5 requirements for the use of bond proceeds, the trust shall
6 expend Preservation 2000 funds to carry out the purposes of
7 part III of chapter 380.

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

14 (e) Two and nine-tenths percent to the Division of
15 Forestry of the Department of Agriculture and Consumer
16 Services to fund the acquisition of state forest inholdings
17 and additions pursuant to s. 589.07.

18 (f) Two and nine-tenths percent to the Fish and
19 Wildlife Conservation ~~Game and Fresh Water Fish~~ Commission to
20 fund the acquisition of inholdings and additions to lands
21 managed by the commission which are important to the
22 conservation of fish and wildlife.

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

29
30 Local governments may use federal grants or loans, private
31 donations, or environmental mitigation funds, including

1 environmental mitigation funds required pursuant to s.
2 338.250, for any part or all of any local match required for
3 the purposes described in this subsection. Bond proceeds
4 allocated pursuant to paragraph (c) may be used to purchase
5 lands on the priority lists developed pursuant to s. 259.035.
6 Title to lands purchased pursuant to paragraphs (a), (d), (e),
7 (f), and (g) shall be vested in the Board of Trustees of the
8 Internal Improvement Trust Fund, except that title to lands,
9 or rights or interests therein, acquired by either the
10 Southwest Florida Water Management District or the St. Johns
11 River Water Management District in furtherance of the Green
12 Swamp Land Authority's mission pursuant to s. 380.0677(2)~~s.~~
13 ~~380.0677(3)~~, shall be vested in the district where the
14 acquisition project is located. Title to lands purchased
15 pursuant to paragraph (c) may be vested in the Board of
16 Trustees of the Internal Improvement Trust Fund, except that
17 title to lands, or rights or interests therein, acquired by
18 either the Southwest Florida Water Management District or the
19 St. Johns River Water Management District in furtherance of
20 the Green Swamp Land Authority's mission pursuant to s.
21 380.0677(2)~~s. 380.0677(3)~~, shall be vested in the district
22 where the acquisition project is located. ~~This subsection is~~
23 ~~repealed effective October 1, 2000. Prior to repeal, the~~
24 ~~Legislature shall review the provisions scheduled for repeal~~
25 ~~and shall determine whether to reenact or modify the~~
26 ~~provisions or to take no action.~~

27 (9)(a) The Legislature finds that, with the increasing
28 pressures on the natural areas of this state, the state must
29 develop creative techniques to maximize the use of acquisition
30 and management moneys. The Legislature also finds that the
31 state's environmental land-buying agencies should be

1 encouraged to augment their traditional, fee simple
2 acquisition programs with the use of alternatives to fee
3 simple acquisition techniques. The Legislature also finds
4 that using alternatives to fee simple acquisition by public
5 land-buying agencies will achieve the following public policy
6 goals:

7 1. Allow more lands to be brought under public
8 protection for preservation, conservation, and recreational
9 purposes at less expense using public funds.

10 2. Retain, on local government tax rolls, some portion
11 of or interest in lands which are under public protection.

12 3. Reduce long-term management costs by allowing
13 private property owners to continue acting as stewards of the
14 land, where appropriate.

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

31

1 (b) The Land Acquisition Advisory Council and the
2 water management districts shall identify, within their 1997
3 acquisition plans, those projects which require a full fee
4 simple interest to achieve the public policy goals, along with
5 the reasons why full title is determined to be necessary. The
6 council and the water management districts may use
7 alternatives to fee simple acquisition to bring the remaining
8 projects in their acquisition plans under public protection.
9 For the purposes of this subsection, the term "alternatives to
10 fee simple acquisition" includes, but is not limited to:
11 purchase of development rights; conservation easements;
12 flowage easements; purchase of timber rights, mineral rights,
13 or hunting rights; purchase of agricultural interests or
14 silvicultural interests; land protection agreements; fee
15 simple acquisitions with reservations; or any other
16 acquisition technique which achieves the public policy goals
17 listed in paragraph (a). It is presumed that a private
18 landowner retains the full range of uses for all the rights or
19 interests in the landowner's land which are not specifically
20 acquired by the public agency. Life estates and fee simple
21 acquisitions with leaseback provisions shall not qualify as an
22 alternative to fee simple acquisition under this subsection,
23 although the department and the districts are encouraged to
24 use such techniques where appropriate.

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

1 (d) The Legislature finds that the lack of direct
2 sales comparison information has served as an impediment to
3 successful implementation of alternatives to fee simple
4 acquisition. It is the intent of the Legislature that, in the
5 absence of direct comparable sales information, appraisals of
6 alternatives to fee simple acquisitions be based on the
7 difference between the full fee simple valuation and the value
8 of the interests remaining with the seller after acquisition.

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

13 ~~(f)1. Pursuant to subsection (3) and beginning in~~
14 ~~fiscal year 1999-2000, that portion of the unencumbered~~
15 ~~balances of each program described in paragraphs (3)(c), (d),~~
16 ~~(e), (f), and (g) which has been on deposit in such program's~~
17 ~~Preservation 2000 account for more than 3 fiscal years shall~~
18 ~~be redistributed equally to the Department of Environmental~~
19 ~~Protection, Division of State Lands P2000 sub account for the~~
20 ~~purchase of State Lands as described in s. 259.032 and Water~~
21 ~~Management District P2000 sub account for the purchase of~~
22 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~
23 ~~373.59. For the purposes of this subsection, the term~~
24 ~~"unencumbered balances" means the portion of Preservation 2000~~
25 ~~bond proceeds which is not obligated through the signing of a~~
26 ~~purchase contract between a public agency and a private~~
27 ~~landowner, except that the program described in paragraph~~
28 ~~(3)(c) may not lose any portion of its unencumbered funds~~
29 ~~which remain unobligated because of extraordinary~~
30 ~~circumstances that hampered the affected local governments'~~
31 ~~abilities to close on land acquisition projects approved~~

1 ~~through the Florida Communities Trust program. Extraordinary~~
2 ~~circumstances shall be determined by the Florida Communities~~
3 ~~Trust governing body and may include such things as death or~~
4 ~~bankruptcy of the owner of property; a change in the land use~~
5 ~~designation of the property; natural disasters that affected a~~
6 ~~local government's ability to consummate the sales contract on~~
7 ~~such property; or any other condition that the Florida~~
8 ~~Communities Trust governing board determined to be~~
9 ~~extraordinary. The portion of the funds redistributed in the~~
10 ~~Water Management District P2000 sub account shall be~~
11 ~~distributed to the water management districts as provided in~~
12 ~~s. 373.59(8).~~

13 ~~2.~~ The department and the water management districts
14 may enter into joint acquisition agreements to jointly fund
15 the purchase of lands using alternatives to fee simple
16 techniques.

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

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

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

25 259.105 The Florida Forever Act.--

26 (11) For the purposes of funding projects pursuant to
27 paragraph (3)(a), the Secretary of Environmental Protection
28 shall ensure that each water management district receives the
29 following percentage of funds annually:

30 (a) Thirty-five percent to the South Florida Water
31 Management District, of which amount \$25 million shall be

1 transferred by the Department of Environmental Protection to
2 the Everglades Restoration Reserve Trust Fund.

3 (b) Twenty-five percent to the Southwest Florida Water
4 Management District.

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

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

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

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

13 259.1051 Florida Forever Trust Fund.--

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

22 Section 6. Section 373.470, Florida Statutes, is
23 created to read:

24 373.470 EVERGLADES RESTORATION.--

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

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

28 (a) "Comprehensive plan" means the Recommended
29 Comprehensive Plan for Everglades Restoration and Water
30 Resource Management within the South Florida Ecosystem,
31 identified as the "Initial Draft Plan, Alternative D-13R,

1 together with Other Project Elements" submitted to Congress on
2 July 1, 1999, and developed by the Central and Southern
3 Florida Project Comprehensive Review Study or "Restudy" as
4 defined in s. 373.1501. The comprehensive plan will be further
5 developed in a continuing research, analysis, planning, and
6 design process.

7 (b) "Corps" means the U.S. Army Corps of Engineers.

8 (c) "District" means the South Florida Water
9 Management District.

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

15 (e) "PIR" means a Project Implementation Report as
16 described in the report of the Central and Southern Florida
17 Project Comprehensive Review Study submitted to Congress on
18 July 1, 1999.

19 (f) "Project component" means a structural or
20 operational modification of the project.

21 (g) "South Florida Ecosystem" means the area within
22 the boundaries of the district consisting of all lands and
23 waters within the district, including the Everglades, the
24 Florida Keys, the contiguous near-shore coastal waters,
25 agricultural areas, urban areas, and all other natural or
26 developed areas within the district.

27 (3) LEGISLATIVE FINDINGS AND INTENT.--The Legislature
28 finds that:

29 (a) Development within the South Florida Ecosystem
30 including construction and operation of the project has
31 resulted in the reduction of natural water storage, the loss

1 of fresh water to tide, and unintended environmental impacts,
2 including lower water quality and disruption of Everglades
3 hydroperiods.

4 (b) Additional water resource development through
5 project components and other features identified in a
6 continuing planning process described in this section will be
7 necessary to meet the water supply needs of the environment
8 and the economy within the South Florida Ecosystem.

9 (c) The Legislature intends that the comprehensive
10 plan be implemented and used as a guide and framework for a
11 continuing planning process that will develop further
12 modifications and additions to the project for the purposes
13 provided in the Federal Water Resource Development Act of 1996
14 which include:

15 1. Restoring, preserving, and protecting the South
16 Florida Ecosystem;

17 2. Providing for the protection of water quality and
18 reducing the loss of fresh water from the Everglades; and

19 3. Providing such features as are necessary to meet
20 the other water-related needs of the region, including flood
21 control, the enhancement of water supplies, and other
22 objectives served by the project.

23 (d) The project components described in the
24 comprehensive plan will need further engineering and economic
25 analysis as provided in the comprehensive plan, and the
26 Legislature intends that Project Implementation Reports:

27 1. Determine that the project components will be
28 feasible, efficient, and cost-effective in the manner provided
29 by s. 373.1501;

30
31

1 2. Determine the benefits to be provided consistent
2 with the report of the Comprehensive Review Study of the
3 project submitted to Congress on July 1, 1999; and

4 3. Be consistent with the purposes of the Federal
5 Water Resource Development Act of 1996.

6 (e) Implementation of the comprehensive plan is
7 projected to require several billion dollars from state
8 funding sources to match federal contributions when authorized
9 and appropriated by Congress. The Legislature intends by this
10 section to establish an appropriate state-funding mechanism to
11 assure sufficient funds for implementation of the
12 comprehensive plan.

13 (f) The Legislature intends to establish a full
14 partnership between the state and the Federal Government for
15 the implementation of the comprehensive plan and further
16 planning process through the construction and operation of
17 project components based upon joint decisionmaking as equal
18 partners between the corps and the district for all project
19 management decisions, except where the state or local sponsor
20 has full control.

21 (4) EVERGLADES RESTORATION RESERVE TRUST FUND; FUNDS
22 AUTHORIZED FOR DEPOSIT.--The following funds may be deposited
23 into the Everglades Restoration Reserve Trust Fund created by
24 s. 373.472 to finance implementation of the Comprehensive
25 Plan:

26 (a) In fiscal year 2000-2001, funds described in s.
27 259.101(3);

28 (b) Funds described in s. 373.470(5);

29 (c) Federal funds appropriated by the United States
30 Congress for implementation of the Comprehensive Plan;

31

1 (d) Any additional funds appropriated by the
2 Legislature for the purpose of implementing the Comprehensive
3 Plan; and

4 (e) Gifts designated for implementation of the
5 Comprehensive Plan from individuals, corporations, or other
6 entities.

7 (5) EVERGLADES RESTORATION RESERVE TRUST FUND
8 SUPPLEMENTED.--

9 (a) For each year of the 9 consecutive years beginning
10 with fiscal year 2001-2002, \$75 million of the funds described
11 in s. 201.15(12) shall be deposited into the Everglades
12 Restoration Reserve Trust Fund created by s. 373.472.

13 (b) For each year of the 10 consecutive years
14 beginning with fiscal year 2000-2001, the department shall
15 deposit \$25 million of the funds allocated to the district by
16 the department under s. 259.105(11)(a) into the Everglades
17 Restoration Reserve Trust Fund created by s. 373.472.

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

25 (7) CREDIT FOR IN-KIND WORK PERFORMED.--The dollar
26 value of in-kind work performed by the district in furtherance
27 of the Comprehensive Plan and credited against funds required
28 from the local sponsor of the project component is also a
29 credit against the district's share of funds required for
30 implementation of the Comprehensive Plan under this section.

31

1 (8) ANNUAL REPORT.--To provide enhanced oversight of
2 and accountability for the financial commitments established
3 under this act and the progress made in the implementation of
4 the Comprehensive Plan, the following report must be prepared
5 annually:

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

9 1. An identification of funds, by source and amount,
10 received by the state and by each local sponsor during the
11 fiscal year;

12 2. An itemization of expenditures, by source and
13 amount, made by the state and by each local sponsor during the
14 fiscal year;

15 3. A description of the purpose for which the funds
16 were expended;

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

20 5. A schedule of anticipated expenditures for the next
21 fiscal year.

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

26 1. A description of all expenditures, by source and
27 amount, from the Conservation and Recreation Lands Trust Fund,
28 the Land Acquisition Trust Fund, the Preservation 2000 Trust
29 Fund, the Florida Forever Trust Fund, the Everglades
30 Restoration Reserve Trust Fund, and other named funds or
31 accounts for the acquisition or construction of project

1 components or other features or facilities that benefit the
2 Comprehensive Plan;

3 2. A description of the purposes for which the funds
4 were expended; and

5 3. The unencumbered fiscal-year-end balance that
6 remains in each trust fund or account identified in
7 subparagraph 1.

8 (c) The district, in cooperation with the department,
9 shall provide a detailed report on progress made in the
10 implementation of the Comprehensive Plan, including the status
11 of all project components initiated after the date this act
12 takes effect or the date of the last report prepared under
13 this subsection, whichever is later.

14
15 The report shall be provided to the Governor, the President of
16 the Senate, and the Speaker of the House of Representatives,
17 and copies must be made available to the public. The initial
18 report is due by November 30, 2000, and on November 30
19 annually thereafter.

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

22 375.045 Florida Preservation 2000 Trust Fund.--

23 (2) The Department of Environmental Protection shall
24 distribute revenues from the Florida Preservation 2000 Trust
25 Fund only to programs of state agencies or local governments
26 as set out in s. 259.101(3). Excluding distributions to the
27 Everglades Restoration Reserve Trust Fund, such distributions
28 shall be spent by the recipient within 90 days after the date
29 on which the Department of Environmental Protection initiates
30 the transfer.

31

1 Section 8. The South Florida Water Management District
2 shall issue, on or before April 30, 2002, the "Advance Notice
3 of Construction" referenced in paragraph 31(c) of the General
4 Warranty Deed dated March 26, 1999, recorded at ORB 11016,
5 page 546, Records of Palm Beach County, Florida. Subsequent to
6 the issuance of the Advance Notice of Construction, the South
7 Florida Water Management District shall issue each "Notice of
8 Construction Impact" and "Notice to Vacate" referenced in
9 paragraph 31(c) of the aforementioned General Warranty Deed at
10 the earliest possible dates permissible under the terms of
11 that instrument. The intent of this section is to require that
12 the South Florida Water Management District take action to
13 assure that the reservation provided for in the deed to the
14 Talisman Lower Ranch and associated tradeland parcels is
15 terminated no later than March 31, 2005, and that all lands
16 specifically subject to the March 31, 2005, Reservation
17 Termination provision are removed from agricultural production
18 and immediately available for the construction of water
19 storage, Everglades restoration, and related water management
20 projects on that date.

21 Section 9. Except as otherwise provided in this act,
22 this act shall take effect June 30, 2000.
23
24
25
26
27
28
29
30
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1694

4 The committee substitute deletes a provision repealing s.
5 259.101(3), F.S., on October 1, 2000, as well as provisions
6 authorizing the South Florida Water Management District
7 (SFWMD) to deposit funds budgeted for implementation of the
8 Comprehensive Plan into the Everglades Restoration Reserve
9 Trust Fund.

10 Except for the definition of "District," the definitions and
11 findings contained in s. 373.470(2) and (3), F.S., have been
12 revised. New definitions include:

13 - "Comprehensive plan" means the Recommended Comprehensive
14 Plan for Everglades Restoration and Water Resource
15 Management within the South Florida Ecosystem,
16 identified as the "Initial Draft Plan, Alternative
17 D-13R, together with Other Project Elements" submitted
18 to Congress on July 1, 1999, and developed by the
19 Central and Southern Florida Project Comprehensive
20 Review Study or "Restudy" as defined in s. 373.1501. The
21 comprehensive plan will be further developed in a
22 continuing research, analysis, planning, and design
23 process.

24 - "Corps" means the U.S. Army Corps of Engineers.District.

25 - "Project" means the Central and Southern Florida Project
26 authorized under the heading "CENTRAL AND SOUTHERN
27 FLORIDA" in section 203 of the Flood Control Act of 1948
28 (62 Stat. 1176), and any modification to the project
29 authorized by law.

30 - "PIR" means a Project Implementation Report as described
31 in the report of the Central and Southern Florida
Project Comprehensive Review Study submitted to Congress
on July 1, 1999.

- "Project component" means a structural or operational
modification of the project.

- "South Florida Ecosystem" means the area within the
boundaries of the district consisting of all lands and
waters within the district, including the Everglades,
the Florida Keys, the contiguous near-shore coastal
waters, agricultural areas, urban areas, and all other
natural or developed areas within the district.

The bill now provides findings that:

- Development within the South Florida Ecosystem including
construction and operation of the project has resulted
in the reduction of natural water storage, the loss of
fresh water to tide, and unintended environmental
impacts, including lower water quality and disruption of
Everglades hydroperiods.

- Additional water resource development through project

- 1 components and other features identified in a continuing
2 planning process described in this section will be
3 necessary to meet the water supply needs of the
4 environment and the economy within the South Florida
5 Ecosystem.
- 6 - The Legislature intends that the comprehensive plan be
7 implemented and used as a guide and framework for a
8 continuing planning process that will develop further
9 modifications and additions to the project for the
10 purposes provided in the Federal Water Resource
11 Development Act of 1996 which include:
- 12 1. Restoring, preserving, and protecting the South
13 Florida Ecosystem;
 - 14 2. Providing for the protection of water quality and
15 reducing the loss of fresh water from the
16 Everglades; and
 - 17 3. Providing such features as are necessary to meet
18 the other water-related needs of the region,
19 including flood control, the enhancement of water
20 supplies, and other objectives served by the
21 project.
- 22 - The project components described in the comprehensive
23 plan will need further engineering and economic analysis
24 as provided in the comprehensive plan, and the
25 Legislature intends that Project Implementation Reports:
- 26 1. Determine that the project components will be
27 feasible, efficient, and cost-effective in the
28 manner provided by s. 373.1501;
 - 29 2. Determine the benefits to be provided consistent
30 with the report of the Comprehensive Review Study
31 of the project submitted to Congress on July 1,
1999; and
 3. Be consistent with the purposes of the Federal
Water Resource Development Act of 1996.
- Implementation of the comprehensive plan is projected to
require several billion dollars from state funding
sources to match federal contributions when authorized
and appropriated by Congress. The Legislature intends by
this section to establish an appropriate state-funding
mechanism to assure sufficient funds for implementation
of the comprehensive plan.
- The Legislature intends to establish a full partnership
between the state and the Federal Government for the
implementation of the comprehensive plan and further
planning process through the construction and operation
of project components based upon joint decisionmaking as
equal partners between the corps and the district for
all project management decisions, except where the state
or local sponsor has full control.
- 31 The committee substitute contains a new section 8, which
provides:

1 The South Florida Water Management District shall issue,
2 on or before April 30, 2002, the "Advance Notice of
3 Construction" referenced in paragraph 31(c) of the
4 General Warranty Deed dated March 26, 1999, recorded at
5 ORB 11016, page 546, Records of Palm Beach County,
6 Florida. Subsequent to the issuance of the Advance
7 Notice of Construction, the South Florida Water
8 Management District shall issue each "Notice of
9 Construction Impact" and "Notice to Vacate" referenced
10 in paragraph 31(c) of the aforementioned General
11 Warranty Deed at the earliest possible dates permissible
12 under the terms of that instrument. The intent of this
13 section is to require that the South Florida Water
14 Management District take action to assure that the
15 reservation provided for in the deed to the Talisman
16 Lower Ranch and associated tradeland parcels is
17 terminated no later than March 31, 2005, and that all
18 lands specifically subject to the March 31, 2005,
19 Reservation Termination provision are removed from
20 agricultural production and immediately available for
21 the construction of water storage, Everglades
22 restoration, and related water management projects on
23 that date.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31