

By the Committees on Fiscal Resource, Natural Resources and
Senator Saunders

314-1979-00

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 legislative
27 intent; providing for a planning process;
28 providing for a project implementation report;
29 providing for the deposit of specified funds
30 into the Everglades Restoration Reserve Trust
31 Fund; providing for supplemental funds;

1 providing for distributions from the trust
2 fund; providing for credit for work performed;
3 providing for an annual report and a progress
4 report; amending s. 375.045, F.S.; excluding
5 Everglades Restoration Reserve Trust Fund
6 distributions from a requirement that they be
7 spent within a specified time after transfer;
8 requiring the South Florida Water Management
9 District to take action to assure that a
10 specified deed reservation is terminated by a
11 specified date; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

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

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

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

28 (a) Amounts as shall be necessary to pay the debt
29 service on, or fund debt service reserve funds, rebate
30 obligations, or other amounts payable with respect to
31 Preservation 2000 bonds issued pursuant to s. 375.051 and

1 Florida Forever bonds issued pursuant to s. 215.618, shall be
2 paid into the State Treasury to the credit of the Land
3 Acquisition Trust Fund to be used for such purposes. The
4 amount transferred to the Land Acquisition Trust Fund for such
5 purposes shall not exceed \$300 million in fiscal year
6 1999-2000 and thereafter for Preservation 2000 bonds and bonds
7 issued to refund Preservation 2000 bonds, and \$300 million in
8 fiscal year 2000-2001 and thereafter for Florida Forever
9 bonds. The annual amount transferred to the Land Acquisition
10 Trust Fund for Florida Forever bonds shall not exceed \$30
11 million in the first fiscal year in which bonds are issued.
12 The limitation on the amount transferred shall be increased by
13 an additional \$30 million in each subsequent fiscal year in
14 which bonds are authorized to be issued, but shall not exceed
15 a total of \$300 million in any fiscal year for all bonds
16 issued. It is the intent of the Legislature that all bonds
17 issued to fund the Florida Forever Act be retired by December
18 31, 2030. Except for bonds issued to refund previously issued
19 bonds, no series of bonds may be issued pursuant to this
20 paragraph unless such bonds are approved and the first year's
21 debt service for such bonds is specifically appropriated in
22 the General Appropriations Act. For purposes of refunding
23 Preservation 2000 bonds, amounts designated within this
24 section for Preservation 2000 and Florida Forever bonds may be
25 transferred between the two programs to the extent provided
26 for in the documents authorizing the issuance of the bonds.
27 The Preservation 2000 bonds and Florida Forever bonds shall be
28 equally and ratably secured by moneys distributable to the
29 Land Acquisition Trust Fund pursuant to this section, except
30 to the extent specifically provided otherwise by the documents
31 authorizing the issuance of the bonds. No moneys transferred

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

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

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

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

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

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

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

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

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

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

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

17 (6) Two and twenty-eight hundredths percent of the
18 remaining taxes collected under this chapter shall be paid
19 into the State Treasury to the credit of the Aquatic Plant
20 Control Trust Fund to carry out the purposes set forth in ss.
21 369.22 and 369.252.

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

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

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

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

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

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

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

29 (a) Twelve and one-half percent of that amount shall
30 be deposited into the State Housing Trust Fund and be expended
31 by the Department of Community Affairs and by the Florida

1 Housing Finance Corporation ~~Agency~~ for the purposes for which
2 the State Housing Trust Fund was created and exists by law.

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

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

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

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

1 payments made under paragraphs (1)(b) and (2)(b) and
2 subsections (3), (4), (5), (6), (7), (8), (9), and (10).

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

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

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

22 215.22 Certain income and certain trust funds
23 exempt.--

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

27 (v) The Everglades Restoration Trust Fund.

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

30 259.101 Florida Preservation 2000 Act.--

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

1 remaining proceeds shall be distributed by the Department of
2 Environmental Protection in the following manner:

3 (a) Fifty percent to the Department of Environmental
4 Protection for the purchase of public lands as described in s.
5 259.032. Of this 50 percent, at least one-fifth shall be used
6 for the acquisition of coastal lands.

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

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

1 Areas of Critical State Concern; however, title to lands
2 acquired within the boundary of an approved Conservation and
3 Recreation Lands project may, in accordance with an approved
4 joint acquisition agreement, vest in the Board of Trustees of
5 the Internal Improvement Trust Fund. Of the remaining funds
6 allocated to the trust after the above transfers occur,
7 one-half shall be matched by local governments on a
8 dollar-for-dollar basis. To the extent allowed by federal
9 requirements for the use of bond proceeds, the trust shall
10 expend Preservation 2000 funds to carry out the purposes of
11 part III of chapter 380.

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

18 (e) Two and nine-tenths percent to the Division of
19 Forestry of the Department of Agriculture and Consumer
20 Services to fund the acquisition of state forest inholdings
21 and additions pursuant to s. 589.07.

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

27 (g) One and three-tenths percent to the Department of
28 Environmental Protection for the Florida Greenways and Trails
29 Program, to acquire greenways and trails or greenways and
30 trails systems pursuant to chapter 260, including, but not
31

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

1 (9)(a) The Legislature finds that, with the increasing
2 pressures on the natural areas of this state, the state must
3 develop creative techniques to maximize the use of acquisition
4 and management moneys. The Legislature also finds that the
5 state's environmental land-buying agencies should be
6 encouraged to augment their traditional, fee simple
7 acquisition programs with the use of alternatives to fee
8 simple acquisition techniques. The Legislature also finds
9 that using alternatives to fee simple acquisition by public
10 land-buying agencies will achieve the following public policy
11 goals:

- 12 1. Allow more lands to be brought under public
13 protection for preservation, conservation, and recreational
14 purposes at less expense using public funds.
- 15 2. Retain, on local government tax rolls, some portion
16 of or interest in lands which are under public protection.
- 17 3. Reduce long-term management costs by allowing
18 private property owners to continue acting as stewards of the
19 land, where appropriate.

20
21 Therefore, it is the intent of the Legislature that public
22 land-buying agencies develop programs to pursue alternatives
23 to fee simple acquisition and to educate private landowners
24 about such alternatives and the benefits of such alternatives.
25 It also is the intent of the Legislature that the department
26 and the water management districts spend a portion of their
27 shares of Preservation 2000 bond proceeds to purchase eligible
28 properties using alternatives to fee simple acquisition.
29 Finally, it is the intent of the Legislature that public
30 agencies acquire lands in fee simple for public access and
31 recreational activities. Lands protected using alternatives

1 to fee simple acquisition techniques shall not be accessible
2 to the public unless such access is negotiated with and agreed
3 to by the private landowners who retain interests in such
4 lands.

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

29 (c) Beginning in fiscal year 1996-1997, the department
30 and each water management district shall implement initiatives
31 to use alternatives to fee simple acquisition and to educate

1 private landowners about such alternatives. These initiatives
2 shall include at least two acquisitions a year by the
3 department and each water management district utilizing
4 alternatives to fee simple.

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

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

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

1 ~~(3)(c) may not lose any portion of its unencumbered funds~~
2 ~~which remain unobligated because of extraordinary~~
3 ~~circumstances that hampered the affected local governments'~~
4 ~~abilities to close on land acquisition projects approved~~
5 ~~through the Florida Communities Trust program. Extraordinary~~
6 ~~circumstances shall be determined by the Florida Communities~~
7 ~~Trust governing body and may include such things as death or~~
8 ~~bankruptcy of the owner of property; a change in the land use~~
9 ~~designation of the property; natural disasters that affected a~~
10 ~~local government's ability to consummate the sales contract on~~
11 ~~such property; or any other condition that the Florida~~
12 ~~Communities Trust governing board determined to be~~
13 ~~extraordinary. The portion of the funds redistributed in the~~
14 ~~Water Management District P2000 sub account shall be~~
15 ~~distributed to the water management districts as provided in~~
16 ~~s. 373.59(8).~~

17 ~~2.~~ The department and the water management districts
18 may enter into joint acquisition agreements to jointly fund
19 the purchase of lands using alternatives to fee simple
20 techniques.

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

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

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

29 259.105 The Florida Forever Act.--

30 (11) For the purposes of funding projects pursuant to
31 paragraph (3)(a), the Secretary of Environmental Protection

1 shall ensure that each water management district receives the
2 following percentage of funds annually:

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

7 (b) Twenty-five percent to the Southwest Florida Water
8 Management District.

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

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

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

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

17 259.1051 Florida Forever Trust Fund.--

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

26 Section 6. Section 373.470, Florida Statutes, is
27 created to read:

28 373.470 EVERGLADES RESTORATION.--

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

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

1 (a) "Comprehensive plan" means the recommended
2 comprehensive plan contained within the "Final Integrated
3 Feasibility Report and Programmatic Environmental Impact
4 Statement, April 1999" and submitted to Congress on July 1,
5 1999.

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

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

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

14 (e) "Project component" means any structural or
15 operational change, resulting from the comprehensive plan, to
16 the project as it existed and was operated as of January 1,
17 1999.

18 (f) "Project implementation report" means the project
19 implementation report as described in the "Final Integrated
20 Feasibility Report and Programmatic Environmental Impact
21 Statement, April 1999" and submitted to Congress on July 1,
22 1999.

23 (3) FURTHER ANALYSIS; AGREEMENTS FOR PROJECT
24 COMPONENTS AND ALLOCATION OF PROJECT BENEFITS.--

25 (a) The Legislature intends to establish a full and
26 equal partnership between the state and federal governments
27 for the implementation of the comprehensive plan.

28 (b) The comprehensive plan shall be used as a guide
29 and framework for a continuing planning process to:
30
31

1 1. Reflect new scientific knowledge, the results of
2 pilot projects, and the results of new and continuing
3 feasibility studies with the Corps; and

4 2. Ensure that project components will be implemented
5 to achieve the purposes provided in the Federal Water Resource
6 Development Act of 1996 that include restoring, preserving,
7 and protecting the South Florida ecosystem, providing for the
8 protection of water quality in and the reduction of the loss
9 of fresh water from the Everglades, and providing such
10 features as are necessary to meet the other water-related
11 needs of the region, including flood control, the enhancement
12 of water supplies, and other objectives served by the project.

13 (c) Prior to executing a project cooperation agreement
14 with the Corps for the construction of a project component,
15 the district, in cooperation with the Corps, shall complete a
16 project implementation report to address the project
17 component's economic and environmental benefits, engineering
18 feasibility, and other factors provided in s. 373.1501
19 sufficient to allow the district to obtain approval under s.
20 373.026. Each project implementation report shall also
21 identify the increase in water supplies resulting from the
22 project component. The additional water supply shall be
23 allocated or reserved by the district under chapter 373.

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

29 (a) In fiscal year 2000-2001, funds described in s.
30 259.101(3);

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

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

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

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

9 (5) EVERGLADES RESTORATION RESERVE TRUST FUND
10 SUPPLEMENTED.--

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

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

20 (6) DISTRIBUTIONS FROM EVERGLADES RESTORATION RESERVE
21 TRUST FUND.--The department shall distribute funds in the
22 Everglades Restoration Reserve Trust Fund to the district in
23 accordance with a legislative appropriation and s.
24 373.026(8)(b)-(c). Distributions of funds from the Everglades
25 Restoration Reserve Trust Fund shall be equally matched by
26 each local sponsor on a cumulative basis over the period of
27 Fiscal Year 2000-2001 through Fiscal Year 2009-2010 by
28 providing funding or credits toward project components.

29 (7) CREDITS TOWARD LOCAL SPONSOR SHARE.--The dollar
30 value of in-kind work by the local sponsor in furtherance of
31 the Comprehensive Plan and existing interest in public lands

1 needed for a project component are credits toward the local
2 sponsor's share of funds required for implementation of the
3 Comprehensive Plan under this section.

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

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

12 1. An identification of funds, by source and amount,
13 received by the state and by each local sponsor during the
14 fiscal year;

15 2. An itemization of expenditures, by source and
16 amount, made by the state and by each local sponsor during the
17 fiscal year;

18 3. A description of the purpose for which the funds
19 were expended;

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

23 5. A schedule of anticipated expenditures for the next
24 fiscal year.

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

29 1. A description of all expenditures, by source and
30 amount, from the Conservation and Recreation Lands Trust Fund,
31 the Land Acquisition Trust Fund, the Preservation 2000 Trust

1 Fund, the Florida Forever Trust Fund, the Everglades
2 Restoration Reserve Trust Fund, and other named funds or
3 accounts for the acquisition or construction of project
4 components or other features or facilities that benefit the
5 Comprehensive Plan;

6 2. A description of the purposes for which the funds
7 were expended; and

8 3. The unencumbered fiscal-year-end balance that
9 remains in each trust fund or account identified in
10 subparagraph 1.

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

17
18 The information required in paragraphs (a), (b), and (c) shall
19 be provided annually in a single report to the Governor, the
20 President of the Senate, and the Speaker of the House of
21 Representatives, and copies must be made available to the
22 public. The initial report is due by November 30, 2000, and on
23 November 30 annually thereafter.

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

26 375.045 Florida Preservation 2000 Trust Fund.--

27 (2) The Department of Environmental Protection shall
28 distribute revenues from the Florida Preservation 2000 Trust
29 Fund only to programs of state agencies or local governments
30 as set out in s. 259.101(3). Excluding distributions to the
31 Everglades Restoration Reserve Trust Fund, such distributions

1 shall be spent by the recipient within 90 days after the date
2 on which the Department of Environmental Protection initiates
3 the transfer.

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

24 Section 9. Except as otherwise provided in this act,
25 this act shall take effect June 30, 2000.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 1694

The committee substitute revises definitions, including adding a definition of "project implementation report". It also does the following:

- revises provisions relating to legislative intent to clarify the need to protect water quality;
- provides for other water-related needs;
- requires the completion of a project implementation report to address a project component's economic and environmental benefits and engineering feasibility prior to project approval, and;
- revises provisions requiring the water management district to match the distributions.