

By the Committee on Environmental Protection and
Representatives Constantine and Dockery

1 A bill to be entitled
2 An act relating to Everglades restoration and
3 funding; amending s. 201.15, F.S.; providing
4 for distribution of tax revenues to the Save
5 Our Everglades Trust Fund; amending s. 215.22,
6 F.S.; providing that the Save Our Everglades
7 Trust Fund is exempt from certain service
8 charges; amending s. 259.101, F.S.; revising
9 redistribution criteria for unencumbered
10 balances from the Florida Preservation 2000
11 program; deleting provision for carryforward of
12 unspent funds; deleting a repealer; amending s.
13 259.105, F.S.; providing for transfer of funds
14 from the Florida Forever Trust Fund into the
15 Save Our Everglades Trust Fund; amending ss.
16 259.1051 and 375.045, F.S.; excluding Save Our
17 Everglades Trust Fund distributions from
18 requirement for expenditure within 90 days
19 after transfer; creating s. 373.470, F.S.;
20 creating the "Everglades Restoration Investment
21 Act"; providing definitions; providing
22 legislative intent; providing for a planning
23 process; providing for project implementation
24 reports; providing for the deposit of specified
25 funds into the Save Our Everglades Trust Fund;
26 providing supplemental funds; providing for
27 distributions from the Save Our Everglades
28 Trust Fund; providing for an accounting of
29 expenditures; providing for annual progress
30 reports; providing redistribution of funds;
31 providing effective dates.

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

2

3 Section 1. Paragraph (c) of subsection (1) and
4 paragraph (a) of subsection (2) of section 201.15, Florida
5 Statutes, are amended, subsection (9) of said section is
6 renumbered as subsection (10), and a new subsection (9) is
7 added to said section, to read:

8 201.15 Distribution of taxes collected.--All taxes
9 collected under this chapter shall be distributed as follows
10 and shall be subject to the service charge imposed in s.
11 215.20(1), except that such service charge shall not be levied
12 against any portion of taxes pledged to debt service on bonds
13 to the extent that the amount of the service charge is
14 required to pay any amounts relating to the bonds:

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

18 (c) The remainder of the moneys distributed under this
19 subsection, after the required payments under paragraphs (a)
20 and (b), shall be paid into the State Treasury to the credit
21 of the General Revenue Fund of the state to be used and
22 expended for the purposes for which the General Revenue Fund
23 was created and exists by law or to the Ecosystem Management
24 and Restoration Trust Fund as provided in subsection (8) or to
25 the Save Our Everglades Trust Fund as provided in subsection
26 (9).

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

30 (a) Beginning in the month following the final payment
31 for a fiscal year under paragraph (1)(b), available moneys

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

11 (9) Beginning in fiscal year 2000-2001, from the
12 moneys specified in paragraphs (1)(c) and (2)(a) and prior to
13 deposit of any moneys into the General Revenue Fund, \$75
14 million shall be paid into the State Treasury to the credit of
15 the Save Our Everglades Trust Fund. This subsection shall
16 expire on June 30, 2010.

17 Section 2. Effective July 1, 2001, paragraph (c) of
18 subsection (1), paragraph (a) of subsection (2), and paragraph
19 (a) of subsection (10) of section 201.15, Florida Statutes,
20 are amended, subsections (12), (13), and (14), are renumbered
21 as subsections (13), (14), and (15), respectively, and a new
22 subsection (12) is added to said section, to read:

23 201.15 Distribution of taxes collected.--All taxes
24 collected under this chapter shall be distributed as follows
25 and shall be subject to the service charge imposed in s.
26 215.20(1), except that such service charge shall not be levied
27 against any portion of taxes pledged to debt service on bonds
28 to the extent that the amount of the service charge is
29 required to pay any amounts relating to the bonds:

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

4 (c) The remainder of the moneys distributed under this
5 subsection, after the required payments under paragraph (a),
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 Save Our Everglades Trust Fund as provided in subsection
12 (12).

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

16 (a) Beginning in the month following the final payment
17 for a fiscal year under paragraph (1)(b), available moneys
18 shall be paid into the State Treasury to the credit of the
19 General Revenue Fund of the state to be used and expended for
20 the purposes for which the General Revenue Fund was created
21 and exists by law or to the Ecosystem Management and
22 Restoration Trust Fund as provided in subsection (11) or to
23 the Save Our Everglades Trust Fund as provided in subsection
24 (12). Payments made under this paragraph shall continue until
25 the cumulative amount credited to the General Revenue Fund for
26 the fiscal year under this paragraph equals the cumulative
27 payments made under paragraph (1)(b) for the same fiscal year.

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

1 (a) Twelve and one-half percent of that amount shall
2 be deposited into the State Housing Trust Fund and be expended
3 by the Department of Community Affairs and by the Florida
4 Housing Finance Corporation ~~Agency~~ for the purposes for which
5 the State Housing Trust Fund was created and exists by law.

6 (12) Beginning in fiscal year 2000-2001, from the
7 moneys specified in paragraphs (1)(c) and (2)(a) and prior to
8 deposit of any moneys into the General Revenue Fund, \$75
9 million shall be paid into the State Treasury to the credit of
10 the Save Our Everglades Trust Fund. This subsection shall
11 expire on June 30, 2010.

12 Section 3. 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 Save Our Everglades Trust Fund.

20 Section 4. Subsection (3) and paragraphs (f), (g), and
21 (h) of subsection (9) of section 259.101, Florida Statutes,
22 are amended to read:

23 259.101 Florida Preservation 2000 Act.--

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

1 Environmental Protection for the purchase by the South Florida
2 Water Management District of lands in Dade, Broward, and Palm
3 Beach Counties identified in s. 7, chapter 95-349, Laws of
4 Florida. This distribution shall apply for any bond issue for
5 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,
6 \$20 million per year from the proceeds of any bonds deposited
7 into the Florida Preservation 2000 Trust Fund shall be
8 distributed by the Department of Environmental Protection to
9 the St. Johns Water Management District for the purchase of
10 lands necessary to restore Lake Apopka. In fiscal year
11 2000-2001, for each Florida Preservation 2000 program
12 described in paragraphs (a) through (g), that portion of each
13 program's total remaining cash balance which, as of June 30,
14 2000, is in excess of that program's total remaining
15 appropriation balances shall be redistributed by the
16 department and deposited into the Save Our Everglades Trust
17 Fund for land acquisition. For purposes of calculating the
18 total remaining cash balances for this redistribution, the
19 Florida Preservation 2000 Series 2000 bond proceeds, including
20 interest thereon, and the fiscal year 1999-2000 General
21 Appropriations Act amounts shall be deducted from the
22 remaining cash and appropriation balances, respectively.The
23 remaining proceeds shall be distributed by the Department of
24 Environmental Protection in the following manner:
25 (a) Fifty percent to the Department of Environmental
26 Protection for the purchase of public lands as described in s.
27 259.032. Of this 50 percent, at least one-fifth shall be used
28 for the acquisition of coastal lands.
29 (b) Thirty percent to the Department of Environmental
30 Protection for the purchase of water management lands pursuant
31 to s. 373.59, to be distributed among the water management

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

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

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

21 (9)

22 ~~(f)1. Pursuant to subsection (3) and beginning in~~
23 ~~fiscal year 1999-2000, that portion of the unencumbered~~
24 ~~balances of each program described in paragraphs (3)(c), (d),~~
25 ~~(e), (f), and (g) which has been on deposit in such program's~~
26 ~~Preservation 2000 account for more than 3 fiscal years shall~~
27 ~~be redistributed equally to the Department of Environmental~~
28 ~~Protection, Division of State Lands P2000 sub account for the~~
29 ~~purchase of State Lands as described in s. 259.032 and Water~~
30 ~~Management District P2000 sub account for the purchase of~~
31 ~~Water Management Lands pursuant to ss. 373.456, 373.4592 and~~

1 ~~373.59. For the purposes of this subsection, the term~~
2 ~~"unencumbered balances" means the portion of Preservation 2000~~
3 ~~bond proceeds which is not obligated through the signing of a~~
4 ~~purchase contract between a public agency and a private~~
5 ~~landowner, except that the program described in paragraph~~
6 ~~(3)(c) may not lose any portion of its unencumbered funds~~
7 ~~which remain unobligated because of extraordinary~~
8 ~~circumstances that hampered the affected local governments'~~
9 ~~abilities to close on land acquisition projects approved~~
10 ~~through the Florida Communities Trust program. Extraordinary~~
11 ~~circumstances shall be determined by the Florida Communities~~
12 ~~Trust governing body and may include such things as death or~~
13 ~~bankruptcy of the owner of property; a change in the land use~~
14 ~~designation of the property; natural disasters that affected a~~
15 ~~local government's ability to consummate the sales contract on~~
16 ~~such property; or any other condition that the Florida~~
17 ~~Communities Trust governing board determined to be~~
18 ~~extraordinary. The portion of the funds redistributed in the~~
19 ~~Water Management District P2000 sub account shall be~~
20 ~~distributed to the water management districts as provided in~~
21 ~~s. 373.59(8).~~

22 (f)2. The department and the water management
23 districts may enter into joint acquisition agreements to
24 jointly fund the purchase of lands using alternatives to fee
25 simple techniques.

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

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

1 Section 5. Paragraph (a) of subsection (11) of section
2 259.105, Florida Statutes, is amended to read:

3 259.105 The Florida Forever Act.--

4 (11) For the purposes of funding projects pursuant to
5 paragraph (3)(a), the Secretary of Environmental Protection
6 shall ensure that each water management district receives the
7 following percentage of funds annually:

8 (a) Thirty-five percent to the South Florida Water
9 Management District, of which amount \$25 million shall be
10 transferred by the Department of Environmental Protection into
11 the Save Our Everglades Trust Fund.

12 Section 6. Subsection (2) of section 259.1051, Florida
13 Statutes, is amended to read:

14 259.1051 Florida Forever Trust Fund.--

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

22 Section 7. 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 Restoration Investment Act."

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

28 (a) "Comprehensive plan" means the recommended
29 comprehensive plan contained within the "Final Integrated
30 Feasibility Report and Programmatic Environmental Impact
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1 Statement, April 1999" and submitted to Congress on July 1,
2 1999.
3 (b) "Corps" means the United States Army Corps of
4 Engineers.
5 (c) "District" means the South Florida Water
6 Management District.
7 (d) "Project" means the Central and Southern Florida
8 Project authorized under the heading "CENTRAL AND SOUTHERN
9 FLORIDA" in section 203 of the Flood Control Act of 1948 (62
10 Stat. 1176), and any modification to the project authorized by
11 law.
12 (e) "Project component" means any structural or
13 operational change, resulting from the comprehensive plan, to
14 the project as it existed and was operated as of January 1,
15 1999.
16 (f) "Project implementation report" means the project
17 implementation report as described in the "Final Integrated
18 Feasibility Report and Programmatic Environmental Impact
19 Statement, April 1999" and submitted to Congress on July 1,
20 1999.
21 (3) FURTHER ANALYSIS; AGREEMENTS FOR PROJECT
22 COMPONENTS AND ALLOCATION OF PROJECT BENEFITS.--
23 (a) The Legislature intends to establish a full and
24 equal partnership between the state and federal governments
25 for the implementation of the comprehensive plan.
26 (b) The comprehensive plan shall be used as a guide
27 and framework for a continuing planning process to:
28 1. Reflect new scientific knowledge, the results of
29 pilot projects, and the results of new and continuing
30 feasibility studies with the Corps; and
31

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

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

21 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED
22 FOR DEPOSIT.--The following funds may be deposited into the
23 Save Our Everglades Trust Fund created by s. 373.472 to
24 finance implementation of the comprehensive plan:

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

27 (b) Funds described in subsection (5).

28 (c) Federal funds appropriated by Congress for
29 implementation of the comprehensive plan.

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- 1 (d) Any additional funds appropriated by the
2 Legislature for the purpose of implementing the comprehensive
3 plan.
- 4 (e) Gifts designated for implementation of the
5 comprehensive plan from individuals, corporations, or other
6 entities.
- 7 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--
8 (a) For each year of the 10 consecutive years
9 beginning with fiscal year 2000-2001, \$75 million of the funds
10 described in s. 201.15(9) shall be deposited into the Save Our
11 Everglades Trust Fund created by s. 373.472.
- 12 (b) For each year of the 10 consecutive years
13 beginning with fiscal year 2000-2001, the department shall
14 deposit \$25 million of the funds allocated to the district by
15 the department under s. 259.105(11)(a) into the Save Our
16 Everglades Trust Fund created by s. 373.472.
- 17 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST
18 FUND.--The department shall distribute funds in the Save Our
19 Everglades Trust Fund to the district in accordance with a
20 legislative appropriation and s. 373.026(8)(b) and (c).
- 21 (7) ANNUAL REPORT.--To provide enhanced oversight of
22 and accountability for the financial commitments established
23 under this section and the progress made in the implementation
24 of the comprehensive plan, the following information must be
25 prepared annually:
- 26 (a) The district, in cooperation with the department,
27 shall provide the following information as it relates to
28 implementation of the comprehensive plan:
- 29 1. An identification of funds, by source and amount,
30 received by the state and by each local sponsor during the
31 fiscal year.

1 2. An itemization of expenditures, by source and
2 amount, made by the state and by each local sponsor during the
3 fiscal year.

4 3. A description of the purpose for which the funds
5 were expended.

6 4. The unencumbered balance of funds remaining in
7 trust funds or other accounts designated for implementation of
8 the comprehensive plan.

9 5. A schedule of anticipated expenditures for the next
10 fiscal year.

11 (b) The department shall prepare a detailed report on
12 all funds expended by the state and credited toward the
13 state's share of funding for implementation of the
14 comprehensive plan. The report shall include:

15 1. A description of all expenditures, by source and
16 amount, from the Conservation and Recreation Lands Trust Fund,
17 the Land Acquisition Trust Fund, the Preservation 2000 Trust
18 Fund, the Florida Forever Trust Fund, the Save Our Everglades
19 Trust Fund, and other named funds or accounts for the
20 acquisition or construction of project components or other
21 features or facilities that benefit the comprehensive plan.

22 2. A description of the purposes for which the funds
23 were expended.

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

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

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4 The information required in paragraphs (a), (b), and (c) shall
5 be provided annually in a single report to the Governor, the
6 President of the Senate, and the Speaker of the House of
7 Representatives, and copies of the report must be made
8 available to the public. The initial report is due by November
9 30, 2000, and each annual report thereafter is due by November
10 30.

11 Section 8. Effective July 1, 2001, paragraph (a) of
12 subsection (5) of section 373.470, Florida Statutes, is
13 amended to read:

14 373.470 Everglades restoration.--

15 (5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.--

16 (a) For each year of the 10 consecutive years
17 beginning with fiscal year 2000-2001, \$75 million of the funds
18 described in s. 201.15(12)~~(9)~~ shall be deposited into the Save
19 Our Everglades Trust Fund created by s. 373.472.

20 Section 9. 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 Save Our Everglades Trust Fund, such distributions shall be
28 spent by the recipient within 90 days after the date on which
29 the Department of Environmental Protection initiates the
30 transfer.

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1 Section 10. Except as otherwise provided herein, this
2 act shall take effect June 30, 2000.
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