

By the Committees on General Government Appropriations,  
Environmental Protection and Representatives Constantine,  
Dockery and Greenstein

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

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

2

3 Section 1. Paragraph (v) is added to subsection (1) of  
4 section 215.22, Florida Statutes, to read:

5 215.22 Certain income and certain trust funds  
6 exempt.--

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

10 (v) The Save Our Everglades Trust Fund.

11 Section 2. Subsection (3) and paragraphs (f), (g), and  
12 (h) of subsection (9) of section 259.101, Florida Statutes,  
13 are amended to read:

14 259.101 Florida Preservation 2000 Act.--

15 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the  
16 costs of issuance, the costs of funding reserve accounts, and  
17 other costs with respect to the bonds, the proceeds of bonds  
18 issued pursuant to this act shall be deposited into the  
19 Florida Preservation 2000 Trust Fund created by s. 375.045.  
20 Ten percent of the proceeds of any bonds deposited into the  
21 Preservation 2000 Trust Fund shall be distributed by the  
22 Department of Environmental Protection to the Department of  
23 Environmental Protection for the purchase by the South Florida  
24 Water Management District of lands in Dade, Broward, and Palm  
25 Beach Counties identified in s. 7, chapter 95-349, Laws of  
26 Florida. This distribution shall apply for any bond issue for  
27 the 1995-1996 fiscal year. For the 1997-1998 fiscal year only,  
28 \$20 million per year from the proceeds of any bonds deposited  
29 into the Florida Preservation 2000 Trust Fund shall be  
30 distributed by the Department of Environmental Protection to  
31 the St. Johns Water Management District for the purchase of

1 lands necessary to restore Lake Apopka. In fiscal year  
2 2000-2001, for each Florida Preservation 2000 program  
3 described in paragraphs (a) through (g), that portion of each  
4 program's total remaining cash balance which, as of June 30,  
5 2000, is in excess of that program's total remaining  
6 appropriation balances shall be redistributed by the  
7 department and deposited into the Save Our Everglades Trust  
8 Fund for land acquisition. For purposes of calculating the  
9 total remaining cash balances for this redistribution, the  
10 Florida Preservation 2000 Series 2000 bond proceeds, including  
11 interest thereon, and the fiscal year 1999-2000 General  
12 Appropriations Act amounts shall be deducted from the  
13 remaining cash and appropriation balances, respectively.The  
14 remaining proceeds shall be distributed by the Department of  
15 Environmental Protection in the following manner:

16 (a) Fifty percent to the Department of Environmental  
17 Protection for the purchase of public lands as described in s.  
18 259.032. Of this 50 percent, at least one-fifth shall be used  
19 for the acquisition of coastal lands.

20 (b) Thirty percent to the Department of Environmental  
21 Protection for the purchase of water management lands pursuant  
22 to s. 373.59, to be distributed among the water management  
23 districts as provided in that section. Funds received by each  
24 district may also be used for acquisition of lands necessary  
25 to implement surface water improvement and management plans  
26 approved in accordance with s. 373.456 or for acquisition of  
27 lands necessary to implement the Everglades Construction  
28 Project authorized by s. 373.4592.

29 (c) Ten percent to the Department of Community Affairs  
30 to provide land acquisition grants and loans to local  
31 governments through the Florida Communities Trust pursuant to

1 part III of chapter 380. From funds allocated to the trust,  
2 \$3 million annually shall be used by the Green Swamp Land  
3 Authority specifically for the purchase through land  
4 protection agreements, as defined in s. 380.0677(4)+5), of  
5 lands, or severable interests or rights in lands, in the Green  
6 Swamp Area of Critical State Concern. From funds allocated to  
7 the trust, \$3 million annually shall be used by the Monroe  
8 County Comprehensive Plan Land Authority specifically for the  
9 purchase of any real property interest in either those lands  
10 subject to the Rate of Growth Ordinances adopted by local  
11 governments in Monroe County or those lands within the  
12 boundary of an approved Conservation and Recreation Lands  
13 project located within the Florida Keys or Key West Areas of  
14 Critical State Concern; however, title to lands acquired  
15 within the boundary of an approved Conservation and Recreation  
16 Lands project may, in accordance with an approved joint  
17 acquisition agreement, vest in the Board of Trustees of the  
18 Internal Improvement Trust Fund. Of the remaining funds  
19 allocated to the trust after the above transfers occur,  
20 one-half shall be matched by local governments on a  
21 dollar-for-dollar basis. To the extent allowed by federal  
22 requirements for the use of bond proceeds, the trust shall  
23 expend Preservation 2000 funds to carry out the purposes of  
24 part III of chapter 380.

25 (d) Two and nine-tenths percent to the Department of  
26 Environmental Protection for the purchase of inholdings and  
27 additions to state parks. For the purposes of this paragraph,  
28 "state park" means all real property in the state under the  
29 jurisdiction of the Division of Recreation and Parks of the  
30 department, or which may come under its jurisdiction.

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1           (e) Two and nine-tenths percent to the Division of  
2 Forestry of the Department of Agriculture and Consumer  
3 Services to fund the acquisition of state forest inholdings  
4 and additions pursuant to s. 589.07.

5           (f) Two and nine-tenths percent to the Fish and  
6 Wildlife Conservation Commission ~~Game and Fresh Water Fish~~  
7 ~~Commission~~ to fund the acquisition of inholdings and additions  
8 to lands managed by the commission which are important to the  
9 conservation of fish and wildlife.

10           (g) One and three-tenths percent to the Department of  
11 Environmental Protection for the Florida Greenways and Trails  
12 Program, to acquire greenways and trails or greenways and  
13 trails systems pursuant to chapter 260, including, but not  
14 limited to, abandoned railroad rights-of-way and the Florida  
15 National Scenic Trail.

16  
17 Local governments may use federal grants or loans, private  
18 donations, or environmental mitigation funds, including  
19 environmental mitigation funds required pursuant to s.  
20 338.250, for any part or all of any local match required for  
21 the purposes described in this subsection. Bond proceeds  
22 allocated pursuant to paragraph (c) may be used to purchase  
23 lands on the priority lists developed pursuant to s. 259.035.  
24 Title to lands purchased pursuant to paragraphs (a), (d), (e),  
25 (f), and (g) shall be vested in the Board of Trustees of the  
26 Internal Improvement Trust Fund, except that title to lands,  
27 or rights or interests therein, acquired by either the  
28 Southwest Florida Water Management District or the St. Johns  
29 River Water Management District in furtherance of the Green  
30 Swamp Land Authority's mission pursuant to s. 380.0677(2)~~(3)~~,  
31 shall be vested in the district where the acquisition project

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

13 (9)

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

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

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

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

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

24 Section 3. Paragraph (a) of subsection (11) of section  
25 259.105, Florida Statutes, is amended to read:

26 259.105 The Florida Forever Act.--

27 (11) For the purposes of funding projects pursuant to  
28 paragraph (3)(a), the Secretary of Environmental Protection  
29 shall ensure that each water management district receives the  
30 following percentage of funds annually:  
31

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

5           Section 4. Subsection (2) of section 259.1051, Florida  
6 Statutes, is amended to read:

7           259.1051 Florida Forever Trust Fund.--

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

15           Section 5. Section 373.470, Florida Statutes, is  
16 created to read:

17           373.470 Everglades restoration.--

18           (1) SHORT TITLE.--This section may be cited as the  
19 "Everglades Restoration Investment Act."

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

21           (a) "Comprehensive plan" means the recommended  
22 comprehensive plan contained within the "Final Integrated  
23 Feasibility Report and Programmatic Environmental Impact  
24 Statement, April 1999" and submitted to Congress on July 1,  
25 1999.

26           (b) "Corps" means the United States Army Corps of  
27 Engineers.

28           (c) "District" means the South Florida Water  
29 Management District.

30           (d) "Project" means the Central and Southern Florida  
31 Project authorized under the heading "CENTRAL AND SOUTHERN



1 FLORIDA" in section 203 of the Flood Control Act of 1948 (62  
2 Stat. 1176), and any modification to the project authorized by  
3 law.

4 (e) "Project component" means any structural or  
5 operational change, resulting from the comprehensive plan, to  
6 the project as it existed and was operated as of January 1,  
7 1999.

8 (f) "Project implementation report" means the project  
9 implementation report as described in the "Final Integrated  
10 Feasibility Report and Programmatic Environmental Impact  
11 Statement, April 1999" and submitted to Congress on July 1,  
12 1999.

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

15 (a) The Legislature intends to establish a full and  
16 equal partnership between the state and federal governments  
17 for the implementation of the comprehensive plan.

18 (b) The comprehensive plan shall be used as a guide  
19 and framework for a continuing planning process to:

20 1. Reflect new scientific knowledge, the results of  
21 pilot projects, and the results of new and continuing  
22 feasibility studies with the Corps; and

23 2. Ensure that project components will be implemented  
24 to achieve the purposes provided in the Federal Water Resource  
25 Development Act of 1996 that include restoring, preserving,  
26 and protecting the South Florida ecosystem, providing for the  
27 protection of water quality in and the reduction of the loss  
28 of fresh water from the Everglades, and providing such  
29 features as are necessary to meet the other water-related  
30 needs of the region, including flood control, the enhancement  
31 of water supplies, and other objectives served by the project.

1       (c) Prior to executing a project cooperation agreement  
2 with the Corps for the construction of a project component,  
3 the district, in cooperation with the Corps, shall complete a  
4 project implementation report to address the project  
5 component's economic and environmental benefits, engineering  
6 feasibility, and other factors provided in s. 373.1501  
7 sufficient to allow the district to obtain approval under s.  
8 373.026. Each project implementation report shall also  
9 identify the increase in water supplies resulting from the  
10 project component. The additional water supply shall be  
11 allocated or reserved by the district under chapter 373.

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

16       (a) In fiscal year 2000-2001, funds described in s.  
17 259.101(3).

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

19       (c) Federal funds appropriated by Congress for  
20 implementation of the comprehensive plan.

21       (d) Any additional funds appropriated by the  
22 Legislature for the purpose of implementing the comprehensive  
23 plan.

24       (e) Gifts designated for implementation of the  
25 comprehensive plan from individuals, corporations, or other  
26 entities.

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

28       (a)1. For fiscal year 2000-2001, \$50 million of state  
29 funds shall be deposited into the Save Our Everglades Trust  
30 Fund created by s. 373.472.

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1           2. For each year of the 9 consecutive years beginning  
2 with fiscal year 2001-2002, \$75 million of state funds shall  
3 be deposited into the Save Our Everglades Trust Fund created  
4 by s. 373.472.

5           (b) For each year of the 10 consecutive years  
6 beginning with fiscal year 2000-2001, the department shall  
7 deposit \$25 million of the funds allocated to the district by  
8 the department under s. 259.105(11)(a) into the Save Our  
9 Everglades Trust Fund created by s. 373.472.

10           (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST  
11 FUND.--The department shall distribute funds in the Save Our  
12 Everglades Trust Fund to the district in accordance with a  
13 legislative appropriation and s. 373.026(8)(b) and (c).

14           (7) ANNUAL REPORT.--To provide enhanced oversight of  
15 and accountability for the financial commitments established  
16 under this section and the progress made in the implementation  
17 of the comprehensive plan, the following information must be  
18 prepared annually:

19           (a) The district, in cooperation with the department,  
20 shall provide the following information as it relates to  
21 implementation of the comprehensive plan:

22           1. An identification of funds, by source and amount,  
23 received by the state and by each local sponsor during the  
24 fiscal year.

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

28           3. A description of the purpose for which the funds  
29 were expended.

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1           4. The unencumbered balance of funds remaining in  
2 trust funds or other accounts designated for implementation of  
3 the comprehensive plan.

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

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

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

17           2. A description of the purposes for which the funds  
18 were expended.

19           3. The unencumbered fiscal-year-end balance that  
20 remains in each trust fund or account identified in  
21 subparagraph 1.

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

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29 The information required in paragraphs (a), (b), and (c) shall  
30 be provided annually in a single report to the Governor, the  
31 President of the Senate, and the Speaker of the House of

1 Representatives, and copies of the report must be made  
2 available to the public. The initial report is due by November  
3 30, 2000, and each annual report thereafter is due by November  
4 30.

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

7 375.045 Florida Preservation 2000 Trust Fund.--

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

16 Section 7. There is hereby appropriated \$50 million  
17 from the General Revenue Fund for fiscal year 2000-2001 to the  
18 Save Our Everglades Trust Fund for the purposes of this act.

19 Section 8. This act shall take effect June 30, 2000.  
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