

By Representative Ryan

1                                   A bill to be entitled  
 2           An act relating to South Florida water  
 3           restoration; creating s. 259.202, F.S.;  
 4           creating the "South Florida Water Restoration  
 5           Act"; defining the term "restudy project  
 6           component"; providing legislative findings;  
 7           providing for the deposit of specified funds  
 8           into the South Florida Water Restoration Trust  
 9           Fund; requiring specified matching funds from  
 10          existing ad valorem tax revenues; providing  
 11          criteria for restoration projects; providing  
 12          the uses of funds; amending s. 201.15, F.S.;  
 13          revising the distribution of documentary stamp  
 14          tax revenues; providing effective dates.

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

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 18           Section 1.   Section 259.202, Florida Statutes, is  
 19           created to read:

20                   259.202 South Florida Water Restoration Act.--

21                   (1) SHORT TITLE.--This section may be cited as the  
 22 "South Florida Water Restoration Act."

23                   (2) DEFINITION.--As used in this section, the term  
 24 "restudy project component" means any structural or  
 25 operational change, resulting from the Comprehensive Review  
 26 Study of the Central and Southern Florida Project, to the  
 27 Central and Southern Florida Project as it existed and was  
 28 operated as of January 1, 1999, and for which federal  
 29 participation was authorized by the federal Water Resources  
 30 Development Acts of 1992 and 1996, together with related  
 31 congressional resolutions.

1           (3) LEGISLATIVE FINDINGS.--The Legislature finds that:  
2           (a) Human alteration of Florida's natural landscape  
3 has interfered with the ability of the Everglades' lakes,  
4 wetlands, and estuarine systems to retain or convey water or  
5 remove nutrients and sediments from water.  
6           (b) The South Florida region's continued growth and  
7 economic well-being depend on managing aquatic systems to hold  
8 and release rainfall for environmental, agricultural,  
9 industrial, and clean drinking water purposes; to support  
10 abundant native fish, wildlife, and plant communities; and to  
11 enhance aesthetic and recreational uses.  
12           (c) Restoration of the damaged ecosystem, including  
13 water flow and retention, hydroperiod, and nutrient and  
14 sediment removal, will be undertaken as part of the restudy,  
15 subject to available funds.  
16           (d) Implementation of the restudy is projected to  
17 require several billion dollars in matching funds from state  
18 sources, and the establishment of a mechanism to provide the  
19 needed funding is appropriate at this time.  
20           (4) RESTORATION PROJECTS SUPPLEMENTED.--  
21           (a) Each year, for 10 consecutive years beginning in  
22 fiscal year 2000-2001, \$80 million of the funds provided  
23 pursuant to s. 201.15(9) as created by this act shall be  
24 deposited into the South Florida Water Restoration Trust Fund  
25 created by s. 259.2021.  
26           (b) Each year, for 10 consecutive years beginning in  
27 fiscal year 2001-2001, the South Florida Water Management  
28 District shall deposit \$25 million of the funds provided to  
29 the district pursuant to s. 259.105(3) and (11) into the South  
30 Florida Water Restoration Trust Fund created by s. 259.2021.  
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1       (c) Each year, for 10 consecutive years beginning in  
2 fiscal year 2000-2001, the Department of Environmental  
3 Protection shall deposit \$25 million of the funds provided to  
4 the department pursuant to s. 259.105(3) into the South  
5 Florida Water Restoration Trust Fund created by s. 259.2021.  
6 All distributions of trust fund moneys deposited pursuant to  
7 this paragraph must be matched on an equal basis by existing  
8 ad valorem tax revenues from the South Florida Water  
9 Management District.

10       (d) The Department of Environmental Protection shall  
11 release funds from the South Florida Water Restoration Trust  
12 Fund to the South Florida Water Management District following  
13 receipt of a resolution adopted by the district governing  
14 board which identifies and justifies the costs of the restudy  
15 project component to be funded. The Secretary of Environmental  
16 Protection may withhold moneys for any restudy project  
17 component for which the costs are not identified and  
18 justified. The governing board may appeal any such withholding  
19 or denial of funds to the Land and Water Adjudicatory  
20 Commission under s. 373.114.

21       (5) PROJECT CRITERIA.--

22       (a) Funds distributed pursuant to subsection (4) shall  
23 be spent only on restudy project components that meet at least  
24 one of the following criteria:

25           1. Projects that are joint federal-state partnerships  
26 with project plans reflecting cost-share with federal or local  
27 governments.

28           2. Projects to restore natural water flows, retain  
29 seasonal flows, release impounded water, or improve a system's  
30 ability to remove nutrients and sediments.

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1           3. Projects that restore freshwater flows to major  
2 estuarine systems, including Florida Bay and Biscayne Bay.

3           4. Projects that have a goal of restoring native plant  
4 and animal communities.

5           5. Projects that meet one or more of the provisions of  
6 s. 11(e), Art. VII of the State Constitution.

7           (b) The funds provided by this section may not be used  
8 for any restudy project component, or portion thereof, related  
9 to the treatment, transmission, or distribution of water for  
10 sale, resale, or end-use to consumers.

11           Section 2. Paragraph (c) of subsection (1) and  
12 paragraph (a) of subsection (2) of section 201.15, Florida  
13 Statutes, are amended, subsection (9) is renumbered as  
14 subsection (10), and a new subsection (9) is added to said  
15 section, to read:

16           201.15 Distribution of taxes collected.--All taxes  
17 collected under this chapter shall be distributed as follows  
18 and shall be subject to the service charge imposed in s.  
19 215.20(1), except that such service charge shall not be levied  
20 against any portion of taxes pledged to debt service on bonds  
21 to the extent that the amount of the service charge is  
22 required to pay any amounts relating to the bonds:

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

26           (c) The remainder of the moneys distributed under this  
27 subsection, after the required payments under paragraphs (a)  
28 and (b), shall be paid into the State Treasury to the credit  
29 of the General Revenue Fund of the state to be used and  
30 expended for the purposes for which the General Revenue Fund  
31 was created and exists by law or to the Ecosystem Management

1 and Restoration Trust Fund as provided in subsection (8) or to  
2 the South Florida Water Restoration Trust Fund as provided in  
3 subsection (9).

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

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

20 (9) From the moneys specified in paragraphs (1)(c) and  
21 (2)(a) and prior to deposit of any moneys into the General  
22 Revenue Fund, \$80 million shall be paid into the State  
23 Treasury to the credit of the South Florida Water Restoration  
24 Trust Fund created by s. 259.2021, in fiscal year 2000-2001  
25 and for 9 consecutive years thereafter, to be used as provided  
26 in s. 259.202.

27 Section 3. Effective July 1, 2001, paragraph (c) of  
28 subsection (1) and paragraph (a) of subsection (2) of section  
29 201.15, Florida Statutes, as amended by chapter 99-247, Laws  
30 of Florida, are amended, subsections (12), (13), and (14) are  
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1 renumbered as subsections (13), (14), and (15), respectively,  
2 and a new subsection (12) is added to said section, to read:  
3           201.15 Distribution of taxes collected.--All taxes  
4 collected under this chapter shall be distributed as follows  
5 and shall be subject to the service charge imposed in s.  
6 215.20(1), except that such service charge shall not be levied  
7 against any portion of taxes pledged to debt service on bonds  
8 to the extent that the amount of the service charge is  
9 required to pay any amounts relating to the bonds:

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

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

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

25           (a) Beginning in the month following the final payment  
26 for a fiscal year under paragraph (1)(b), available moneys  
27 shall be paid into the State Treasury to the credit of the  
28 General Revenue Fund of the state to be used and expended for  
29 the purposes for which the General Revenue Fund was created  
30 and exists by law or to the Ecosystem Management and  
31 Restoration Trust Fund as provided in subsection (11) or to

1 the South Florida Water Restoration Trust Fund as provided in  
2 subsection (12). Payments made under this paragraph shall  
3 continue until the cumulative amount credited to the General  
4 Revenue Fund for the fiscal year under this paragraph equals  
5 the cumulative payments made under paragraph (1)(b) for the  
6 same fiscal year.

7 (12) From the moneys specified in paragraphs (1)(c)  
8 and (2)(a) and prior to deposit of any moneys into the General  
9 Revenue Fund, \$80 million shall be paid into the State  
10 Treasury to the credit of the South Florida Water Restoration  
11 Trust Fund created by s. 259.2021, in fiscal year 2000-2001  
12 and for 9 consecutive years thereafter, to be used as provided  
13 in s. 259.202.

14 Section 4. Except as otherwise provided herein, this  
15 act shall take effect July 1, 2000.

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18 HOUSE SUMMARY

19 Creates the "South Florida Water Restoration Act."  
20 Defines "restudy project component" and provides  
21 legislative findings with regard to the Comprehensive  
22 Review Study of the Central and Southern Florida Project.  
23 Provides for the following deposits into the South  
24 Florida Water Restoration Trust Fund, annually for a  
25 period of 10 years, to be used for restoration projects:  
26 \$80 million from documentary stamp tax revenues, \$25  
27 million from South Florida Water Management District  
28 Florida Forever Trust Fund moneys, and \$25 million from  
29 Department of Environmental Protection Florida Forever  
30 Trust Fund moneys to be matched by existing ad valorem  
31 tax revenues from the South Florida Water Management  
District. Restricts expenditures from the South Florida  
Water Restoration Trust Fund to restudy project  
components that meet criteria specified in the act.