

By Senator Saunders

25-368-02

See HB

1 A bill to be entitled
2 An act relating to state land acquisition
3 programs; amending s. 201.15, F.S.; revising a
4 limitation on the deposit of certain funds into
5 the Land Acquisition Trust Fund; restricting
6 authority for transfer of funds to the Save Our
7 Everglades Trust Fund; amending s. 215.618,
8 F.S.; providing for funding of debt service on
9 Florida Forever bonds; prohibiting transfer of
10 bond proceeds deposited in the Florida Forever
11 Trust Fund; amending s. 259.101, F.S.;
12 providing for replacement of funds transferred
13 from the Florida Preservation 2000 Trust Fund;
14 restricting further transfer of such trust
15 funds; revising authority and procedures for
16 certain transfer of funds; providing
17 legislative recognition of the benefits of the
18 Florida Preservation 2000 program; providing
19 for funding to restore to the program certain
20 funds transferred to the Save Our Everglades
21 Trust Fund; amending s. 259.105, F.S.;
22 restricting future transfer of funds deposited
23 pursuant to the Florida Forever Act; amending
24 s. 259.1051, F.S.; restricting transfer of
25 funds deposited in the Florida Forever Trust
26 Fund; amending s. 373.470, F.S.; restricting
27 transfer of funds from the Florida Forever
28 Trust Fund or the Florida Preservation 2000
29 Trust Fund to the Save Our Everglades Trust
30 Fund; amending s. 375.045, F.S.; restricting
31 transfer of funds deposited in the Florida

1 Preservation 2000 Trust Fund; providing
2 appropriations; providing an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Paragraph (a) of subsection (1) of section
7 201.15, Florida Statutes, is amended 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 (a) Amounts as shall be necessary to pay the debt
19 service on, or fund debt service reserve funds, rebate
20 obligations, or other amounts payable with respect to
21 Preservation 2000 bonds issued pursuant to s. 375.051 and
22 Florida Forever bonds issued pursuant to s. 215.618, shall be
23 paid into the State Treasury to the credit of the Land
24 Acquisition Trust Fund to be used for such purposes. The
25 amount transferred to the Land Acquisition Trust Fund for such
26 purposes shall not exceed \$300 million in fiscal year
27 1999-2000 and thereafter for Preservation 2000 bonds and bonds
28 issued to refund Preservation 2000 bonds, and \$300 million in
29 fiscal year 2000-2001 and thereafter for Florida Forever
30 bonds, except that an amount not to exceed \$375 million shall
31 be issued in fiscal year 2002-2003, of which \$75 million shall

1 be deposited into the Florida Preservation 2000 Trust Fund to
2 restore funds transferred from that fund to the Save Our
3 Everglades Trust Fund in fiscal year 2001-2002. The annual
4 amount transferred to the Land Acquisition Trust Fund for
5 Florida Forever bonds shall not exceed \$30 million in the
6 first fiscal year in which bonds are issued. The limitation on
7 the amount transferred shall be increased by an additional \$30
8 million in each subsequent fiscal year, but shall not exceed a
9 total of \$300 million in any fiscal year for all bonds issued,
10 except for fiscal year 2002-2003. It is the intent of the
11 Legislature that all bonds issued to fund the Florida Forever
12 Act be retired by December 31, 2030. Except for bonds issued
13 to refund previously issued bonds, no series of bonds may be
14 issued pursuant to this paragraph unless such bonds are
15 approved and the debt service for the remainder of the fiscal
16 year in which the bonds are issued is specifically
17 appropriated in the General Appropriations Act. For purposes
18 of refunding Preservation 2000 bonds, amounts designated
19 within this section for Preservation 2000 and Florida Forever
20 bonds may be transferred between the two programs to the
21 extent provided for in the documents authorizing the issuance
22 of the bonds. The Preservation 2000 bonds and Florida Forever
23 bonds shall be equally and ratably secured by moneys
24 distributable to the Land Acquisition Trust Fund pursuant to
25 this section, except to the extent specifically provided
26 otherwise by the documents authorizing the issuance of the
27 bonds. No moneys transferred to the Land Acquisition Trust
28 Fund pursuant to this paragraph, or earnings thereon, shall be
29 used or made available to pay debt service on the Save Our
30 Coast revenue bonds or transferred to the Save Our Everglades
31

1 Trust Fund except as specifically authorized in s.
2 259.105(11)(a).

3 Section 2. Subsections (4) and (5) of section 215.618,
4 Florida Statutes, are amended to read:

5 215.618 Bonds for acquisition and improvement of land,
6 water areas, and related property interests and resources.--

7 (4) The Department of Environmental Protection shall
8 request the Division of Bond Finance of the State Board of
9 Administration to issue the Florida Forever bonds authorized
10 by this section. The Division of Bond Finance shall issue such
11 bonds pursuant to the State Bond Act. An appropriation of \$5
12 million shall be provided in the 2002-2003 General
13 Appropriations Act for debt service requirements for the third
14 series of Florida Forever bonds.

15 (5) The proceeds from the sale of bonds issued
16 pursuant to this section, less the costs of issuance, the
17 costs of funding reserve accounts, and other costs with
18 respect to the bonds, shall be deposited into the Florida
19 Forever Trust Fund. Such proceeds deposited into the Florida
20 Forever Trust Fund shall not be transferred, redistributed, or
21 otherwise diminished in any fiscal year.The bond proceeds
22 deposited into the Florida Forever Trust Fund shall be
23 distributed by the Department of Environmental Protection as
24 provided in s. 259.105.

25 Section 3. Subsection (2) of section 259.101, Florida
26 Statutes, is amended, subsection (3) of that section, as
27 amended by section 37 of chapter 2001-254, Laws of Florida, is
28 amended, and paragraph (g) is added to subsection (4) of that
29 section, to read:

30 259.101 Florida Preservation 2000 Act.--
31

1 (2) LEGISLATIVE FINDINGS.--The Legislature finds and
2 declares that:

3 (a) The alteration and development of Florida's
4 natural areas to accommodate its rapidly growing population
5 have contributed to the degradation of water resources, the
6 fragmentation and destruction of wildlife habitats, the loss
7 of recreation space, and the diminishment of wetlands and
8 forests.

9 (b) Imminent development of Florida's remaining
10 natural areas and continuing increases in land values
11 necessitate an aggressive program of public land acquisition
12 during the next decade to preserve the quality of life that
13 attracts so many people to Florida.

14 (c) Acquisition of public lands, in fee simple or in
15 any lesser interest, should be based on a comprehensive
16 assessment of Florida's natural resources and planned so as to
17 protect the integrity of ecological systems and to provide
18 multiple benefits, including preservation of fish and wildlife
19 habitat, recreation space, and water recharge areas.
20 Governmental agencies responsible for public land acquisition
21 should work together to purchase lands jointly and to
22 coordinate individual purchases within ecological systems.

23 (d) One of the purposes of the Florida Communities
24 Trust program is to acquire, protect, and preserve open space
25 and recreation properties within urban areas where pristine
26 animal and plant communities no longer exist. These areas are
27 often overlooked in other programs because of their smaller
28 size and proximity to developed property. These smaller
29 parcels are, however, critically important to the quality of
30 life in these urban areas for the residents who live there as
31 well as to the many visitors to the state. The trust shall

1 consider projects submitted by local governments which further
2 the goals, objectives, and policies of the conservation,
3 recreation and open space, or coastal elements of their local
4 comprehensive plans or which serve to conserve natural
5 resources or resolve land use conflicts.

6 (e) South Florida's water supply and unique natural
7 environment depend on the protection of lands buffering the
8 East Everglades and the Everglades water conservation areas.

9
10 In addition, the Legislature recognizes the conflicting
11 desires of the citizens of this state to prosper through
12 economic development and to preserve the natural areas of
13 Florida that development threatens to claim. The Legislature
14 further recognizes the urgency of acquiring natural areas in
15 the state for preservation, yet acknowledges the difficulty of
16 ensuring adequate funding for accelerated acquisition in light
17 of other equally critical financial needs of the state. It is
18 the Legislature's desire and intent to fund the implementation
19 of the Florida Preservation 2000 Act for each of the 10 years
20 of the program's duration and to do so in a fiscally
21 responsible manner. The value and timeliness of land
22 acquisitions achieved throughout the Florida Preservation 2000
23 program have made significant contributions to the state's
24 economy, natural resource protection, and natural legacy, and
25 to the quality of life of Florida's citizens, that cannot be
26 overstated. Therefore, the Legislature shall replace the \$75
27 million that was transferred from the Florida Preservation
28 2000 Trust Fund in fiscal year 2001-2002 by appropriating an
29 additional \$75 million to the Florida Preservation 2000 Trust
30 Fund in fiscal year 2002-2003, to be allocated pursuant to the
31 provisions of this act and payable from additional bonds

1 issued pursuant to s. 201.15(1)(a). No other transfers,
2 redistribution, or diminishment of funds intended for the
3 Florida Preservation 2000 Trust Fund shall be authorized
4 unless a finding is issued by the Legislative Budgeting
5 Commission created pursuant to s. 11.90 authorizing such
6 transfer based on a determination that the tax-supported debt
7 will exceed the designated benchmark debt ratio necessary to
8 address a critical state emergency.

9 (3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.--Less the
10 costs of issuance, the costs of funding reserve accounts, and
11 other costs with respect to the bonds, the proceeds of bonds
12 issued pursuant to this act shall be deposited into the
13 Florida Preservation 2000 Trust Fund created by s. 375.045. ~~In~~
14 ~~fiscal year 2000-2001, for each Florida Preservation 2000~~
15 ~~program described in paragraphs (a)-(g), that portion of each~~
16 ~~program's total remaining cash balance which, as of June 30,~~
17 ~~2000, is in excess of that program's total remaining~~
18 ~~appropriation balances shall be redistributed by the~~
19 ~~department and deposited into the Save Our Everglades Trust~~
20 ~~Fund for land acquisition. For purposes of calculating the~~
21 ~~total remaining cash balances for this redistribution, the~~
22 ~~Florida Preservation 2000 Series 2000 bond proceeds, including~~
23 ~~interest thereon, and the fiscal year 1999-2000 General~~
24 ~~Appropriations Act amounts shall be deducted from the~~
25 ~~remaining cash and appropriation balances, respectively.~~The
26 remaining proceeds shall be distributed by the Department of
27 Environmental Protection in the following manner:

28 (a) Fifty percent to the Department of Environmental
29 Protection for the purchase of public lands as described in s.
30 259.032. Of this 50 percent, at least one-fifth shall be used
31 for the acquisition of coastal lands.

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

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

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

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

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

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

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

27
28 Local governments may use federal grants or loans, private
29 donations, or environmental mitigation funds, including
30 environmental mitigation funds required pursuant to s.
31 338.250, for any part or all of any local match required for

1 the purposes described in this subsection. Bond proceeds
2 allocated pursuant to paragraph (c) may be used to purchase
3 lands on the priority lists developed pursuant to s. 259.035.
4 Title to lands purchased pursuant to paragraphs (a), (d), (e),
5 (f), and (g) shall be vested in the Board of Trustees of the
6 Internal Improvement Trust Fund. Title to lands purchased
7 pursuant to paragraph (c) may be vested in the Board of
8 Trustees of the Internal Improvement Trust Fund. The board of
9 trustees shall hold title to land protection agreements and
10 conservation easements that were or will be acquired pursuant
11 to s. 380.0677, and the Southwest Florida Water Management
12 District and the St. Johns River Water Management District
13 shall monitor such agreements and easements within their
14 respective districts until the state assumes this
15 responsibility.

16 (4) PROJECT CRITERIA.--

17 (g) Pursuant to chapter 2001-275, Laws of Florida, the
18 Legislature recognized that the Florida Preservation 2000
19 program has provided incalculable benefits to the citizens of
20 Florida by funding the acquisition and protection of more than
21 1 million acres of land for conservation and recreation
22 purposes. The Preservation 2000 program has helped ensure
23 present and future generations access to important open spaces
24 and conservation and recreation lands. Therefore, the
25 Legislature shall appropriate \$75 million in the 2002-2003
26 General Appropriations Act to the Florida Preservation 2000
27 Trust Fund to restore that amount which was transferred to the
28 Save Our Everglades Trust Fund by the 2001 Legislature due to
29 budgeting constraints.

30 Section 4. Paragraph (g) of subsection (2) of section
31 259.105, Florida Statutes, is amended to read:

1 259.105 The Florida Forever Act.--

2 (2)

3 (g) As it has with previous land acquisition programs,
4 the Legislature recognizes the desires of the citizens of this
5 state to prosper through economic development and to preserve
6 the natural areas and recreational open space of Florida. The
7 Legislature further recognizes the urgency of restoring the
8 natural functions of public lands or water bodies before they
9 are degraded to a point where recovery may never occur, yet
10 acknowledges the difficulty of ensuring adequate funding for
11 restoration efforts in light of other equally critical
12 financial needs of the state. It is the Legislature's desire
13 and intent to fund the implementation of this section and to
14 do so in a fiscally responsible manner, by issuing bonds to be
15 repaid with documentary stamp tax revenue. No act of the
16 Legislature shall have the effect of transferring,
17 redistributing, or otherwise diminishing funds deposited
18 pursuant to this act.

19 Section 5. Subsection (1) of section 259.1051, Florida
20 Statutes, is amended to read:

21 259.1051 Florida Forever Trust Fund.--

22 (1) There is created the Florida Forever Trust Fund to
23 carry out the purposes of ss. 259.032, 259.105, and 375.031.
24 The Florida Forever Trust Fund shall be held and administered
25 by the Department of Environmental Protection. Proceeds from
26 the sale of bonds, except proceeds of refunding bonds, issued
27 under s. 215.618 and payable from moneys transferred to the
28 Land Acquisition Trust Fund under s. 201.15(1)(a), not to
29 exceed \$3 billion, must be deposited into this trust fund to
30 be distributed and used as provided in s. 259.105(3). No act
31 of the Legislature shall have the effect of transferring,

1 redistributing, or otherwise diminishing funds deposited into
2 this trust fund, except as specifically authorized by this
3 section.The bond resolution adopted by the governing board of
4 the Division of Bond Finance of the State Board of
5 Administration may provide for additional provisions that
6 govern the disbursement of the bond proceeds.

7 Section 6. Paragraph (d) of subsection (4) of section
8 373.470, Florida Statutes, is amended to read:

9 373.470 Everglades restoration.--

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

14 (d) Any additional funds appropriated by the
15 Legislature for the purpose of implementing the comprehensive
16 plan, except for any funds transferred from the Florida
17 Forever Trust Fund created by s. 259.1051 or the Florida
18 Preservation 2000 Trust Fund created by s. 375.045.

19 Section 7. Subsection (1) of section 375.045, Florida
20 Statutes, is amended to read:

21 375.045 Florida Preservation 2000 Trust Fund.--

22 (1) There is created the Florida Preservation 2000
23 Trust Fund to carry out the purposes of ss. 259.032, 259.101,
24 and 375.031. The Florida Preservation 2000 Trust Fund shall be
25 held and administered by the Department of Environmental
26 Protection. Proceeds from the sale of revenue bonds issued
27 pursuant to s. 375.051 and payable from moneys transferred to
28 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a),
29 not to exceed \$3 billion, shall be deposited into this trust
30 fund to be distributed as provided in s. 259.101(3). No act of
31 the Legislature shall have the effect of transferring,

1 redistributing, or otherwise diminishing funds deposited into
2 this trust fund, except as specifically authorized by this
3 section.The bond resolution adopted by the governing board of
4 the Division of Bond Finance may provide for additional
5 provisions that govern the disbursement of the bond proceeds.

6 Section 8. There is appropriated from the General
7 Revenue Fund to the Florida Preservation 2000 Trust Fund the
8 sum of \$75 million to restore funds transferred by the
9 Legislature from the trust fund to the Save Our Everglades
10 Trust Fund in fiscal year 2001-2002.

11 Section 9. There is appropriated from the General
12 Revenue Fund to the Florida Forever Trust Fund the sum of \$5
13 million to provide debt service on the third series of Florida
14 Forever bonds.

15 Section 10. This act shall take effect July 1, 2002.

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18 LEGISLATIVE SUMMARY

19 Revises a limitation on the deposit of certain funds into
20 the Land Acquisition Trust Fund. Restricts authority for
21 transfer of funds to the Save Our Everglades Trust Fund.
22 Provides legislative recognition of the benefits of the
23 Florida Preservation 2000 program. Provides for
24 restoration of funds transferred from the Florida
25 Preservation 2000 Trust Fund to the Save Our Everglades
26 Trust Fund in fiscal year 2001-2002. Restricts further
27 transfer, redistribution, or diminishment of Florida
28 Preservation 2000 funds. Provides for funding of certain
29 debt service on Florida Forever bonds. Restricts future
30 transfer, redistribution, or diminishment of Florida
31 Forever Act funds and funds deposited into the Florida
Forever Trust Fund. Provides appropriations.