

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on State Administration offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Subsections (1), (4) and (5) of section 215.618, Florida Statutes, are amended to read:

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

(1) The issuance of Florida Forever bonds, not to exceed ~~\$3.075~~\$3 billion, to finance or refinance the cost of acquisition and improvement of land, water areas, and related property interests and resources, in urban and rural settings, for the purposes of restoration, conservation, recreation, water resource development, or historical preservation, and for capital improvements to lands and water areas that accomplish environmental restoration, enhance public access and recreational enjoyment, promote long-term management goals, and facilitate water resource development is hereby authorized, subject to the provisions of s. 259.105 and

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1 pursuant to s. 11(e), Art. VII of the State Constitution.
2 Florida Forever bonds may also be issued to refund
3 Preservation 2000 bonds issued pursuant to s. 375.051. The
4 ~~\$3.075~~\$3 billion limitation on the issuance of Florida
5 Forever bonds does not apply to refunding bonds. The duration
6 of each series of Florida Forever bonds issued may not exceed
7 20 annual maturities. Preservation 2000 bonds and Florida
8 Forever bonds shall be equally and ratably secured by moneys
9 distributable to the Land Acquisition Trust Fund pursuant to
10 s. 201.15(1)(a), except to the extent specifically provided
11 otherwise by the documents authorizing the issuance of the
12 bonds.

13 (4) The Department of Environmental Protection shall
14 request the Division of Bond Finance of the State Board of
15 Administration to issue the Florida Forever bonds authorized
16 by this section. The Division of Bond Finance shall issue such
17 bonds pursuant to the State Bond Act. There is also hereby
18 authorized \$75 million of Florida Forever bonds to provide
19 moneys for the appropriation to restore amounts transferred
20 from the Preservation 2000 Trust Fund to the Save Our
21 Everglades Trust Fund in fiscal year 2001-2002 due to
22 budgeting constraints.

23 (5) The proceeds from the sale of bonds issued
24 pursuant to this section, less the costs of issuance, the
25 costs of funding reserve accounts, and other costs with
26 respect to the bonds, shall be deposited into the Florida
27 Forever Trust Fund. The bond proceeds deposited into the
28 Florida Forever Trust Fund shall be distributed by the
29 Department of Environmental Protection as provided in s.
30 259.105. The net proceeds derived from the sale of \$75
31 million of Florida Forever bonds to restore amounts

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1 transferred from the Preservation 2000 Trust Fund to the Save
2 Our Everglades Trust Fund shall be deposited into the Florida
3 Forever Trust Fund to be expended for land acquisition.

4 Section 2. Subsection (2) of section 259.101, Florida
5 Statutes, is amended, subsection (3) of that section, as
6 amended by section 37 of chapter 2001-254, Laws of Florida, is
7 amended, and paragraph (g) is added to subsection (4) of that
8 section, to read:

9 259.101 Florida Preservation 2000 Act.--

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

12 (a) The alteration and development of Florida's
13 natural areas to accommodate its rapidly growing population
14 have contributed to the degradation of water resources, the
15 fragmentation and destruction of wildlife habitats, the loss
16 of recreation space, and the diminishment of wetlands and
17 forests.

18 (b) Imminent development of Florida's remaining
19 natural areas and continuing increases in land values
20 necessitate an aggressive program of public land acquisition
21 during the next decade to preserve the quality of life that
22 attracts so many people to Florida.

23 (c) Acquisition of public lands, in fee simple or in
24 any lesser interest, should be based on a comprehensive
25 assessment of Florida's natural resources and planned so as to
26 protect the integrity of ecological systems and to provide
27 multiple benefits, including preservation of fish and wildlife
28 habitat, recreation space, and water recharge areas.
29 Governmental agencies responsible for public land acquisition
30 should work together to purchase lands jointly and to
31 coordinate individual purchases within ecological systems.

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1 (d) One of the purposes of the Florida Communities
2 Trust program is to acquire, protect, and preserve open space
3 and recreation properties within urban areas where pristine
4 animal and plant communities no longer exist. These areas are
5 often overlooked in other programs because of their smaller
6 size and proximity to developed property. These smaller
7 parcels are, however, critically important to the quality of
8 life in these urban areas for the residents who live there as
9 well as to the many visitors to the state. The trust shall
10 consider projects submitted by local governments which further
11 the goals, objectives, and policies of the conservation,
12 recreation and open space, or coastal elements of their local
13 comprehensive plans or which serve to conserve natural
14 resources or resolve land use conflicts.

15 (e) South Florida's water supply and unique natural
16 environment depend on the protection of lands buffering the
17 East Everglades and the Everglades water conservation areas.
18

19 In addition, the Legislature recognizes the conflicting
20 desires of the citizens of this state to prosper through
21 economic development and to preserve the natural areas of
22 Florida that development threatens to claim. The Legislature
23 further recognizes the urgency of acquiring natural areas in
24 the state for preservation, yet acknowledges the difficulty of
25 ensuring adequate funding for accelerated acquisition in light
26 of other equally critical financial needs of the state. It is
27 the Legislature's desire and intent to fund the implementation
28 of the Florida Preservation 2000 Act for each of the 10 years
29 of the program's duration and to do so in a fiscally
30 responsible manner. The value and timeliness of land
31 acquisition achieved throughout the Florida Preservation 2000

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1 program have made significant contributions to the state's
2 economy, natural resource protection, and natural legacy, and
3 to the quality of life of Florida's citizens. Therefore, the
4 Legislature shall replace the \$75 million that was transferred
5 from the Florida Preservation 2000 Trust Fund not later than
6 fiscal year 2003-2004 by appropriating an additional \$75
7 million to the florida Forever Trust Fund by that fiscal year,
8 to be allocated in accordance with the provisions of this act.

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.
14 ~~Starting in fiscal year 2001-2002, from the cash balance less~~
15 ~~approved commitments encumbered that is remaining in the~~
16 ~~Florida Preservation 2000 Trust Fund, the Legislature shall~~
17 ~~appropriate up to \$75 million from the Florida Preservation~~
18 ~~2000 Trust Fund to the Save Our Everglades Trust Fund to be~~
19 ~~used for the acquisition of lands needed for restoration of~~
20 ~~the Florida Everglades pursuant to s. 373.470. Furthermore,~~
21 ~~the remaining cash balances available for the Preservation~~
22 ~~2000 programs described in paragraphs (a)-(g) shall be~~
23 ~~adjusted pro rata for the amount appropriated by the~~
24 ~~Legislature. Additionally, any cash balances less approved~~
25 ~~commitments encumbered available to the programs described in~~
26 ~~paragraphs (a)-(g) at the time the first series of Florida~~
27 ~~Forever Program bonds is issued and proceeds are deposited~~
28 ~~into the Florida Forever Trust Fund shall be reserved and~~
29 ~~remain unavailable for expenditure for projects pursuant to~~
30 ~~the Florida Preservation 2000 Program until and unless the~~
31 ~~programs receiving an allocation under the Florida Forever~~

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1 ~~Program described in paragraphs (3)(a)-(h) of s. 259.105,~~
2 ~~respectively, have encumbered all funds available from the~~
3 ~~first Florida Forever Program bond issue. To the extent that~~
4 ~~projects eligible for Preservation 2000 funds can also be~~
5 ~~eligible for Florida Forever funds, the proceeds from Florida~~
6 ~~Forever bonds may be used to complete transactions begun with~~
7 ~~Preservation 2000 funds or meet cash needs for property~~
8 ~~transactions begun in fiscal year 2000-2001.~~The remaining
9 proceeds shall be distributed by the Department of
10 Environmental Protection in the following manner:

11 (a) Fifty percent to the Department of Environmental
12 Protection for the purchase of public lands as described in s.
13 259.032. Of this 50 percent, at least one-fifth shall be used
14 for the acquisition of coastal lands.

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

24 (c) Ten percent to the Department of Community Affairs
25 to provide land acquisition grants and loans to local
26 governments through the Florida Communities Trust pursuant to
27 part III of chapter 380. From funds allocated to the trust,
28 \$3 million annually shall be used by the Division of State
29 Lands within the Department of Environmental Protection to
30 implement the Green Swamp Land Protection Initiative
31 specifically for the purchase of conservation easements, as

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

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

27 (e) Two and nine-tenths percent to the Division of
28 Forestry of the Department of Agriculture and Consumer
29 Services to fund the acquisition of state forest inholdings
30 and additions pursuant to s. 589.07.

31 (f) Two and nine-tenths percent to the Fish and

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1 Wildlife Conservation Commission to fund the acquisition of
2 inholdings and additions to lands managed by the commission
3 which are important to the conservation of fish and wildlife.

4 (g) One and three-tenths percent to the Department of
5 Environmental Protection for the Florida Greenways and Trails
6 Program, to acquire greenways and trails or greenways and
7 trails systems pursuant to chapter 260, including, but not
8 limited to, abandoned railroad rights-of-way and the Florida
9 National Scenic Trail.

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11 Local governments may use federal grants or loans, private
12 donations, or environmental mitigation funds, including
13 environmental mitigation funds required pursuant to s.
14 338.250, for any part or all of any local match required for
15 the purposes described in this subsection. Bond proceeds
16 allocated pursuant to paragraph (c) may be used to purchase
17 lands on the priority lists developed pursuant to s. 259.035.
18 Title to lands purchased pursuant to paragraphs (a), (d), (e),
19 (f), and (g) shall be vested in the Board of Trustees of the
20 Internal Improvement Trust Fund. Title to lands purchased
21 pursuant to paragraph (c) may be vested in the Board of
22 Trustees of the Internal Improvement Trust Fund. The board of
23 trustees shall hold title to land protection agreements and
24 conservation easements that were or will be acquired pursuant
25 to s. 380.0677, and the Southwest Florida Water Management
26 District and the St. Johns River Water Management District
27 shall monitor such agreements and easements within their
28 respective districts until the state assumes this
29 responsibility.

30 (4) PROJECT CRITERIA.--

31 (g) Pursuant to chapter 2001-275, Laws of Florida, the

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1 Legislature recognized that the Florida Preservation 2000
2 program has provided incalculable benefits to the citizens of
3 Florida by funding the acquisition and protection of more than
4 1 million acres of land for conservation and recreation
5 purposes. The Preservation 2000 program has helped ensure
6 present and future generations access to important open spaces
7 and conservation and recreation lands. Therefore, the
8 Legislature shall appropriate in the General Appropriations
9 Act the sum of \$75 million not later than fiscal year
10 2003-2004 to the Florida Forever Trust Fund to restore tha
11 amount which was transferred from the Preservation 2000 Trust
12 Fund to the Save Our Everglades Trust Fund by the 2001
13 Legislature due to budgeting constraints.

14 Section 3. Paragraph (g) of subsection (2) of section
15 295.105, Florida Statutes, is amended to read:

16 259.105 The Florida Forever Act.--

17 (2)

18 (g) As it has with previous land acquisition programs,
19 the Legislature recognizes the desires of the citizens of this
20 state to prosper through economic development and to preserve
21 the natural areas and recreational open space of Florida. The
22 Legislature further recognizes the urgency of restoring the
23 natural functions of public lands or water bodies before they
24 are degraded to a point where recovery may never occur, yet
25 acknowledges the difficulty of ensuring adequate funding for
26 restoration efforts in light of other equally critical
27 financial needs of the state. It is the Legislature's desire
28 and intent to fund the implementation of this section and to
29 do so in a fiscally responsible manner, by issuing bonds to be
30 repaid with documentary stamp tax revenue. In addition, the
31 Legislature shall replace the \$75 million that was transferred

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1 from the Florida Preservation 2000 Trust Fund to the Save Our
2 Everglades Trust Fund in fiscal year 2001-2002 by
3 appropriating an additional \$75 million to the Florida Forever
4 Trust Fund not later than fiscal year 2003-2004, to be
5 allocated to reimburse the programs identified in s.
6 259.101(3)(a)-(g) in a manner that replaces the funds that
7 were transferred from each program. No other act of the
8 Legislature shall have the effect of transferring,
9 redistributing, or otherwise diminishing funds deposited
10 pursuant to this act.

11 Section 4. Subsection (1) of section 259.1051, Florida
12 Statutes, is amended to read:

13 259.1051 Florida Forever Trust Fund.--

14 (1) There is created the Florida Forever Trust Fund to
15 carry out the purposes of ss. 259.032, 259.105, and 375.031.
16 The Florida Forever Trust Fund shall be held and administered
17 by the Department of Environmental Protection. Proceeds from
18 the sale of bonds, except proceeds of refunding bonds, issued
19 under s. 215.618 and payable from moneys transferred to the
20 Land Acquisition Trust Fund under s. 201.15(1)(a), not to
21 exceed ~~\$3.075~~ billion, must be deposited into this trust
22 fund to be distributed and used as provided in s. 259.105(3).

23 Bonds issued to restore agency budgets pursuant to s.
24 259.105(2)(g) shall be subject to the requirements of s.
25 215.98. The bond resolution adopted by the governing board of
26 the Division of Bond Finance of the State Board of
27 Administration may provide for additional provisions that
28 govern the disbursement of the bond proceeds.

29 Section 5. Paragraph (d) of subsection (4) of section
30 373.470, Florida Statutes, is amended to read:

31 373.470 Everglades restoration.--

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

5 (d) Any additional funds appropriated by the
6 Legislature for the purpose of implementing the comprehensive
7 plan, except for any funds transferred from the Florida
8 Forever Trust Fund created by s. 259.1051 not authorized
9 pursuant to the provisions fo s. 259.105(11)(a) or the Florida
10 Preservation 2000 Trust Fund created by s. 375.045.

11 Section 6. Subsection (1) of section 375.045, Florida
12 Statutes, is amended to read:

13 375.045 Florida Preservation 2000 Trust Fund.--

14 (1) There is created the Florida Preservation 2000
15 Trust Fund to carry out the purposes of ss. 259.032, 259.101,
16 and 375.031. The Florida Preservation 2000 Trust Fund shall be
17 held and administered by the Department of Environmental
18 Protection. Proceeds from the sale of revenue bonds issued
19 pursuant to s. 375.051 and payable from moneys transferred to
20 the Land Acquisition Trust Fund pursuant to s. 201.15(1)(a),
21 not to exceed \$3 billion, shall be deposited into this trust
22 fund to be distributed as provided in s. 259.101(3). No act of
23 the Legislature shall have the effect of transferring,
24 redistributing, or otherwise diminishing funds deposited into
25 this trust fund, except s specificallyauthorized by this
26 section.The bond resolution adopted by the governing board of
27 the Division of Bond Finance may provide for additional
28 provisions that govern the disbursement of the bond proceeds.

29 Section 7. This act shall take effect July 1, 2002.
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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On page 1, lines 2 through page 2, line 2,

4

5 and insert:

6 An act relating to stae land acquisition
7 programs; amending s. 215.618, F.S.; revising
8 cap on bond issuance; authorizing bond
9 issuance; providing for deposited of bond
10 proceeds; amending s. 259.101, F.S.; providing
11 for replacement of funds transferred from the
12 Florid Preservation 2000 Trust Fund;
13 restricting further transfer of such trust
14 funds; revising authority and procedures for
15 certain transfer of such trust funds; revising
16 authority and procedures for certain transfer
17 of funds; providing legislative recognition of
18 the benefits of the Florida Preservation 2000
19 program; providing legislative recognition of
20 the benefits of the Florida Preservation 2000
21 program; providing date for funding to restore
22 to the program certain funds transferred to the
23 Save Our Everglades Trust Fund; amending s.
24 259.105, F.S.; providing legislative intent to
25 restore transferred funds; providing allocation
26 method for funding restoration; restricting
27 future transfer of funds deposited pursuant to
28 the Florida Forever Act; amending s. 259.1051,
29 F.S.; revising cap on bond issuance; amending
30 s. 373.470, F.S.; restricting transfer of funds
31 from the Florida Forever Trust Fund or the

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Florida Preservation 2000 Trust Fund to the
Save Our Everglades Trust Fund; amending s.
375.045, F.S.; restricting transfer of funds
deposited in the Florida Preservation 2000
Trust Fund; providing an effective date.