

HB 1343

2006

1 A bill to be entitled

2 An act relating to environmental protection; providing  
3 legislative intent regarding funding for the Florida  
4 Forever program; amending s. 201.15, F.S.; revising  
5 provisions governing distribution of a portion of the  
6 proceeds of the excise tax on documents to the Land  
7 Acquisition Trust Fund; amending s. 373.4144, F.S.;  
8 removing provisions requiring the Department of  
9 Environmental Protection to develop a mechanism  
10 consolidating federal and state wetland permitting  
11 programs; authorizing implementation of a statewide  
12 programmatic general permit by the department and each  
13 water management district for certain dredge and fill  
14 activities; specifying conditions applicable to such  
15 permit; providing for use of such general permit within  
16 the Northwest Florida Water Management District; amending  
17 s. 373.4211, F.S.; revising provisions concerning the  
18 vegetative index used to delineate the landward extent of  
19 wetlands and surface waters; providing effective dates.

20  
21 Be It Enacted by the Legislature of the State of Florida:

22  
23 Section 1. The Legislature finds that rising land costs  
24 have reduced the effectiveness of the Florida Forever program.  
25 It is therefore the intent of the Legislature that the  
26 distribution of funds to the Florida Forever program be  
27 accelerated in order to complete the appropriations anticipated  
28 under s. 215.618, Florida Statutes, by the 2007-2008 fiscal year

29 by lifting the annual limit on debt service for Florida Forever  
 30 bonds and allowing appropriations for the Florida Forever  
 31 program to rise to \$600 million in the 2006-2007 and 2007-2008  
 32 fiscal years.

33 Section 2. Paragraph (a) of subsection (1) of section  
 34 201.15, Florida Statutes, is amended to read:

35 201.15 Distribution of taxes collected.--All taxes  
 36 collected under this chapter shall be distributed as follows and  
 37 shall be subject to the service charge imposed in s. 215.20(1),  
 38 except that such service charge shall not be levied against any  
 39 portion of taxes pledged to debt service on bonds to the extent  
 40 that the amount of the service charge is required to pay any  
 41 amounts relating to the bonds:

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

45 (a) Amounts as shall be necessary to pay the debt service  
 46 on, or fund debt service reserve funds, rebate obligations, or  
 47 other amounts payable with respect to Preservation 2000 bonds  
 48 issued pursuant to s. 375.051 and Florida Forever bonds issued  
 49 pursuant to s. 215.618, shall be paid into the State Treasury to  
 50 the credit of the Land Acquisition Trust Fund to be used for  
 51 such purposes. The amount transferred to the Land Acquisition  
 52 Trust Fund for such purposes shall not exceed \$300 million in  
 53 fiscal year 1999-2000 and thereafter for Preservation 2000 bonds  
 54 and bonds issued to refund Preservation 2000 bonds, and \$300  
 55 million in fiscal year 2000-2001 and thereafter for Florida  
 56 Forever bonds. The annual amount transferred to the Land

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57 Acquisition Trust Fund for Florida Forever bonds shall not  
58 exceed \$30 million in the first fiscal year in which bonds are  
59 issued. The limitation on the amount transferred shall be  
60 increased by an additional \$30 million in each ~~subsequent~~ fiscal  
61 year through 2004-2005, and by \$60 million in each subsequent  
62 fiscal year, but shall not exceed a total of \$300 million in any  
63 fiscal year for all bonds issued. It is the intent of the  
64 Legislature that all bonds issued to fund the Florida Forever  
65 Act be retired by December 31, 2030. Except for bonds issued to  
66 refund previously issued bonds, no series of bonds may be issued  
67 pursuant to this paragraph unless such bonds are approved and  
68 the debt service for the remainder of the fiscal year in which  
69 the bonds are issued is specifically appropriated in the General  
70 Appropriations Act. For purposes of refunding Preservation 2000  
71 bonds, amounts designated within this section for Preservation  
72 2000 and Florida Forever bonds may be transferred between the  
73 two programs to the extent provided for in the documents  
74 authorizing the issuance of the bonds. The Preservation 2000  
75 bonds and Florida Forever bonds shall be equally and ratably  
76 secured by moneys distributable to the Land Acquisition Trust  
77 Fund pursuant to this section, except to the extent specifically  
78 provided otherwise by the documents authorizing the issuance of  
79 the bonds. No moneys transferred to the Land Acquisition Trust  
80 Fund pursuant to this paragraph, or earnings thereon, shall be  
81 used or made available to pay debt service on the Save Our Coast  
82 revenue bonds.

83 Section 3. Effective July 1, 2007, paragraph (a) of  
84 subsection (1) of section 201.15, Florida Statutes, as amended

85 by section 1 of chapter 2005-92, Laws of Florida, is amended to  
 86 read:

87 201.15 Distribution of taxes collected.--All taxes  
 88 collected under this chapter shall be distributed as follows and  
 89 shall be subject to the service charge imposed in s. 215.20(1),  
 90 except that such service charge shall not be levied against any  
 91 portion of taxes pledged to debt service on bonds to the extent  
 92 that the amount of the service charge is required to pay any  
 93 amounts relating to the bonds:

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

97 (a) Amounts as shall be necessary to pay the debt service  
 98 on, or fund debt service reserve funds, rebate obligations, or  
 99 other amounts payable with respect to Preservation 2000 bonds  
 100 issued pursuant to s. 375.051 and Florida Forever bonds issued  
 101 pursuant to s. 215.618, shall be paid into the State Treasury to  
 102 the credit of the Land Acquisition Trust Fund to be used for  
 103 such purposes. The amount transferred to the Land Acquisition  
 104 Trust Fund shall not exceed \$300 million in fiscal year 1999-  
 105 2000 and thereafter for Preservation 2000 bonds and bonds issued  
 106 to refund Preservation 2000 bonds, and \$300 million in fiscal  
 107 year 2000-2001 and thereafter for Florida Forever bonds. The  
 108 annual amount transferred to the Land Acquisition Trust Fund for  
 109 Florida Forever bonds shall not exceed \$30 million in the first  
 110 fiscal year in which bonds are issued. The limitation on the  
 111 amount transferred shall be increased by an additional \$60 ~~\$30~~  
 112 million in each subsequent fiscal year, but shall not exceed a

113 total of \$300 million in any fiscal year for all bonds issued.  
 114 It is the intent of the Legislature that all bonds issued to  
 115 fund the Florida Forever Act be retired by December 31, 2030.  
 116 Except for bonds issued to refund previously issued bonds, no  
 117 series of bonds may be issued pursuant to this paragraph unless  
 118 such bonds are approved and the debt service for the remainder  
 119 of the fiscal year in which the bonds are issued is specifically  
 120 appropriated in the General Appropriations Act. For purposes of  
 121 refunding Preservation 2000 bonds, amounts designated within  
 122 this section for Preservation 2000 and Florida Forever bonds may  
 123 be transferred between the two programs to the extent provided  
 124 for in the documents authorizing the issuance of the bonds. The  
 125 Preservation 2000 bonds and Florida Forever bonds shall be  
 126 equally and ratably secured by moneys distributable to the Land  
 127 Acquisition Trust Fund pursuant to this section, except to the  
 128 extent specifically provided otherwise by the documents  
 129 authorizing the issuance of the bonds. No moneys transferred to  
 130 the Land Acquisition Trust Fund pursuant to this paragraph, or  
 131 earnings thereon, shall be used or made available to pay debt  
 132 service on the Save Our Coast revenue bonds.

133 Section 4. Subsection (1) of section 373.4144, Florida  
 134 Statutes, is amended to read:

135 373.4144 Federal environmental permitting.--

136 (1) In order to effectuate efficient wetland permitting  
 137 and avoid duplication, the department and water management  
 138 districts may implement a statewide programmatic general permit  
 139 for any dredge and fill activity impacting 10 acres or less of  
 140 wetlands or waters, including navigable waters, subject to

141 agreement with the United States Army Corps of Engineers in  
142 accordance with the following conditions:

143 (a) An applicant who seeks to use the statewide  
144 programmatic general permit authorized by this subsection is  
145 consenting to the department or district applying the landward-  
146 most delineation of wetland jurisdiction applicable pursuant to  
147 this part or the regulations implementing s. 404 of the Clean  
148 Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et  
149 seq., and s. 10 of the Rivers and Harbors Act of 1899. In  
150 implementing the 1987 Corps of Engineers Wetlands Manual  
151 Technical Report (Y 87-1), the department or district shall  
152 equate high organic matter in the surface horizon in accordance  
153 with the criteria for hydric soils of the National Resource  
154 Conservation Service. The department shall ensure statewide  
155 coordination and consistency in the delineation of surface  
156 waters and wetlands pursuant to the statewide programmatic  
157 general permit authorized by this part, by providing training  
158 and guidance to department staff and to the districts in  
159 implementing such permit.

160 (b) An applicant who seeks to use the statewide  
161 programmatic general permit authorized by this subsection may be  
162 subject to applicable substantive federal wetland regulatory  
163 criteria, which are not included pursuant to this part but which  
164 are authorized by the regulation implementing s. 404 of the  
165 Clean Water Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss.  
166 1251 et seq., and s. 10 of the Rivers and Harbors Act of 1899.

167 (c) Notwithstanding s. 373.4145, an applicant in the  
168 Northwest Florida Water Management District may seek to use the

169 statewide programmatic general permit authorized by this  
 170 subsection and, for the limited purposes of implementing the  
 171 statewide programmatic general permit authorized by this  
 172 section, the department may apply its permitting criteria and  
 173 authority to the regulation of isolated wetlands ~~The department~~  
 174 ~~is directed to develop, on or before October 1, 2005, a~~  
 175 ~~mechanism or plan to consolidate, to the maximum extent~~  
 176 ~~practicable, the federal and state wetland permitting programs.~~  
 177 ~~It is the intent of the Legislature that all dredge and fill~~  
 178 ~~activities impacting 10 acres or less of wetlands or waters,~~  
 179 ~~including navigable waters, be processed by the state as part of~~  
 180 ~~the environmental resource permitting program implemented by the~~  
 181 ~~department and the water management districts. The resulting~~  
 182 ~~mechanism or plan shall analyze and propose the development of~~  
 183 ~~an expanded state programmatic general permit program in~~  
 184 ~~conjunction with the United States Army Corps of Engineers~~  
 185 ~~pursuant to s. 404 of the Clean Water Act, Pub. L. No. 92-500,~~  
 186 ~~as amended, 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers~~  
 187 ~~and Harbors Act of 1899. Alternatively, or in combination with~~  
 188 ~~an expanded state programmatic general permit, the mechanism or~~  
 189 ~~plan may propose the creation of a series of regional general~~  
 190 ~~permits issued by the United States Army Corps of Engineers~~  
 191 ~~pursuant to the referenced statutes. All of the regional general~~  
 192 ~~permits must be administered by the department or the water~~  
 193 ~~management districts or their designees.~~

194 Section 5. Subsection (19) of section 373.4211, Florida  
 195 Statutes, is amended to read:

196 373.4211 Ratification of chapter 17-340, Florida

197 Administrative Code, on the delineation of the landward extent  
 198 of wetlands and surface waters.--Pursuant to s. 373.421, the  
 199 Legislature ratifies chapter 17-340, Florida Administrative  
 200 Code, approved on January 13, 1994, by the Environmental  
 201 Regulation Commission, with the following changes:

202 (19) (a) Rule 17-340.450(3) is amended by adding, after the  
 203 species list, the following language:

204 "Within Monroe County and the Key Largo portion of Dade  
 205 County only, the following species shall be listed as  
 206 facultative: Alternanthera paronychioides, Byrsonima lucida,  
 207 Ernodea littoralis, Guapira discolor, Marnilkara bahamensis,  
 208 Pisonis rotundata, Pithecellobium keyensis, Pithecellobium  
 209 unquis-cati, Randia aculeata, Reynosia septentrionalis, and  
 210 Thrinax radiata."

211 (b) If the statewide programmatic general permit  
 212 authorized by s. 373.4144(1) is adopted and such permit covers  
 213 dredge and fill activity that impacts no less than 5 acres of  
 214 wetlands, 60 days after adoption of such general permit and  
 215 notwithstanding the provisions of paragraph (a), the vegetative  
 216 index used to identify and delineate wetlands is modified such  
 217 that slash pine (pinus elliotti) and gallberry (Ilex glabral)  
 218 are classified as facultative and thus added to the list in rule  
 219 62-340.450(3), Florida Administrative Code.

220 Section 6. Except as otherwise expressly provided in this  
 221 act, this act shall take effect upon becoming a law.