

By Senator Dockery

15-1517A-06

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

24
 25 Be It Enacted by the Legislature of the State of Florida:
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27 Section 1. The Legislature finds that rising land
 28 costs have reduced the effectiveness of the Florida Forever
 29 program. It is therefore the intent of the Legislature that
 30 the distribution of funds to the Florida Forever program be
 31 accelerated in order to complete the appropriations

1 anticipated under s. 215.618, Florida Statutes, by the
2 2007-2008 fiscal year by lifting the annual limit on debt
3 service for Florida Forever Bonds and allowing appropriations
4 for the Florida Forever program to rise to \$600 million in the
5 2006-2007 and 2007-2008 fiscal years.

6 Section 2. 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. The annual amount transferred to the Land Acquisition
31 Trust Fund for Florida Forever bonds shall not exceed \$30

1 million in the first fiscal year in which bonds are issued.
2 Beginning in the 2006-2007 fiscal year, the limitation on the
3 amount transferred shall be increased by an additional ~~\$60~~^{\$30}
4 million in each subsequent fiscal year, but shall not exceed a
5 total of \$300 million in any fiscal year for all bonds issued.
6 It is the intent of the Legislature that all bonds issued to
7 fund the Florida Forever Act be retired by December 31, 2030.
8 Except for bonds issued to refund previously issued bonds, no
9 series of bonds may be issued pursuant to this paragraph
10 unless such bonds are approved and the debt service for the
11 remainder of the fiscal year in which the bonds are issued is
12 specifically appropriated in the General Appropriations Act.
13 For purposes of refunding Preservation 2000 bonds, amounts
14 designated within this section for Preservation 2000 and
15 Florida Forever bonds may be transferred between the two
16 programs to the extent provided for in the documents
17 authorizing the issuance of the bonds. The Preservation 2000
18 bonds and Florida Forever bonds shall be equally and ratably
19 secured by moneys distributable to the Land Acquisition Trust
20 Fund pursuant to this section, except to the extent
21 specifically provided otherwise by the documents authorizing
22 the issuance of the bonds. No moneys transferred to the Land
23 Acquisition Trust Fund pursuant to this paragraph, or earnings
24 thereon, shall be used or made available to pay debt service
25 on the Save Our Coast revenue bonds.

26 Section 3. Effective July 1, 2007, paragraph (a) of
27 subsection (1) of section 201.15, Florida Statutes, as amended
28 by section 1 of chapter 2005-92, Laws of Florida, is amended
29 to read:

30 201.15 Distribution of taxes collected.--All taxes
31 collected under this chapter shall be distributed as follows

1 and shall be subject to the service charge imposed in s.
2 215.20(1), except that such service charge shall not be levied
3 against any portion of taxes pledged to debt service on bonds
4 to the extent that the amount of the service charge is
5 required to pay any amounts relating to the bonds:

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

9 (a) Amounts as shall be necessary to pay the debt
10 service on, or fund debt service reserve funds, rebate
11 obligations, or other amounts payable with respect to
12 Preservation 2000 bonds issued pursuant to s. 375.051 and
13 Florida Forever bonds issued pursuant to s. 215.618, shall be
14 paid into the State Treasury to the credit of the Land
15 Acquisition Trust Fund to be used for such purposes. The
16 amount transferred to the Land Acquisition Trust Fund shall
17 not exceed \$300 million in fiscal year 1999-2000 and
18 thereafter for Preservation 2000 bonds and bonds issued to
19 refund Preservation 2000 bonds, and \$300 million in fiscal
20 year 2000-2001 and thereafter for Florida Forever bonds. The
21 annual amount transferred to the Land Acquisition Trust Fund
22 for Florida Forever bonds shall not exceed \$30 million in the
23 first fiscal year in which bonds are issued. Beginning in the
24 2006-2007 fiscal year, the limitation on the amount
25 transferred shall be increased by an additional ~~\$60~~^{\$30}
26 million in each subsequent fiscal year, but shall not exceed a
27 total of \$300 million in any fiscal year for all bonds issued.
28 It is the intent of the Legislature that all bonds issued to
29 fund the Florida Forever Act be retired by December 31, 2030.
30 Except for bonds issued to refund previously issued bonds, no
31 series of bonds may be issued pursuant to this paragraph

1 unless such bonds are approved and the debt service for the
2 remainder of the fiscal year in which the bonds are issued is
3 specifically appropriated in the General Appropriations Act.
4 For purposes of refunding Preservation 2000 bonds, amounts
5 designated within this section for Preservation 2000 and
6 Florida Forever bonds may be transferred between the two
7 programs to the extent provided for in the documents
8 authorizing the issuance of the bonds. The Preservation 2000
9 bonds and Florida Forever bonds shall be equally and ratably
10 secured by moneys distributable to the Land Acquisition Trust
11 Fund pursuant to this section, except to the extent
12 specifically provided otherwise by the documents authorizing
13 the issuance of the bonds. No moneys transferred to the Land
14 Acquisition Trust Fund pursuant to this paragraph, or earnings
15 thereon, shall be used or made available to pay debt service
16 on the Save Our Coast revenue bonds.

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

19 373.4144 Federal environmental permitting.--

20 (1) In order to effectuate efficient wetland
21 permitting and avoid duplication, the department and water
22 management districts may implement a statewide programmatic
23 general permit for any dredge and fill activity impacting 10
24 acres or less of wetlands or waters, including navigable
25 waters, subject to agreement with the United States Army Corps
26 of Engineers in accordance with the following conditions:

27 (a) An applicant who seeks to use the statewide
28 programmatic general permit authorized by this subsection is
29 consenting to the department or district applying the
30 landward-most delineation of wetland jurisdiction applicable
31 pursuant to this part or the regulations implementing s. 404

1 of the Clean Water Act, Pub. L. No. 92-500, as amended, 33
2 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and Harbors
3 Act of 1899. In implementing the 1987 Corps of Engineers
4 Wetlands Manual Technical Report (Y 87-1), the department or
5 district shall equate high organic matter in the surface
6 horizon in accordance with the criteria for hydric soils of
7 the National Resource Conservation Service. The department
8 shall ensure statewide coordination and consistency in the
9 delineation of surface waters and wetlands pursuant to the
10 statewide programmatic general permit authorized by this part,
11 by providing training and guidance to department staff and to
12 the districts in implementing such permit.

13 (b) An applicant who seeks to use the statewide
14 programmatic general permit authorized by this subsection may
15 be subject to applicable substantive federal wetland
16 regulatory criteria, which are not included pursuant to this
17 part but which are authorized by the regulation implementing
18 s. 404 of the Clean Water Act, Pub. L. No. 92-500, as amended,
19 33 U.S.C. ss. 1251 et seq., and s. 10 of the Rivers and
20 Harbors Act of 1899.

21 (c) Notwithstanding s. 373.4145, an applicant in the
22 Northwest Florida Water Management District may seek to use
23 the statewide programmatic general permit authorized by this
24 subsection and, for the limited purposes of implementing the
25 statewide programmatic general permit authorized by this
26 section, the department may apply its permitting criteria and
27 authority to the regulation of isolated wetlands. The
28 department is directed to develop, on or before October 1,
29 2005, a mechanism or plan to consolidate, to the maximum
30 extent practicable, the federal and state wetland permitting
31 programs. It is the intent of the Legislature that all dredge

1 ~~and fill activities impacting 10 acres or less of wetlands or~~
2 ~~waters, including navigable waters, be processed by the state~~
3 ~~as part of the environmental resource permitting program~~
4 ~~implemented by the department and the water management~~
5 ~~districts. The resulting mechanism or plan shall analyze and~~
6 ~~propose the development of an expanded state programmatic~~
7 ~~general permit program in conjunction with the United States~~
8 ~~Army Corps of Engineers pursuant to s. 404 of the Clean Water~~
9 ~~Act, Pub. L. No. 92-500, as amended, 33 U.S.C. ss. 1251 et~~
10 ~~seq., and s. 10 of the Rivers and Harbors Act of 1899.~~
11 ~~Alternatively, or in combination with an expanded state~~
12 ~~programmatic general permit, the mechanism or plan may propose~~
13 ~~the creation of a series of regional general permits issued by~~
14 ~~the United States Army Corps of Engineers pursuant to the~~
15 ~~referenced statutes. All of the regional general permits must~~
16 ~~be administered by the department or the water management~~
17 ~~districts or their designees.~~

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

20 373.4211 Ratification of chapter 17-340, Florida
21 Administrative Code, on the delineation of the landward extent
22 of wetlands and surface waters.--Pursuant to s. 373.421, the
23 Legislature ratifies chapter 17-340, Florida Administrative
24 Code, approved on January 13, 1994, by the Environmental
25 Regulation Commission, with the following changes:

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

28 "Within Monroe County and the Key Largo portion of Dade
29 County only, the following species shall be listed as
30 facultative: *Alternanthera paronychioides*, *Byrsonima lucida*,
31 *Ernodea littoralis*, *Guapira discolor*, *Marnilkara bahamensis*,

1 Pisonis rotundata, Pithecellobium keyensis, Pithecellobium
2 unquis-cati, Randia aculeata, Reynosia septentrionalis, and
3 Thrinax radiata."

4 (b) If the statewide programmatic general permit
5 authorized by s. 373.4144(1) is adopted and such permit covers
6 dredge and fill activity that impacts no less than 5 acres of
7 wetlands, 60 days after adoption of such general permit and
8 notwithstanding the provisions of subsection (a), the
9 vegetative index used to identify and delineate wetlands is
10 modified such that slash pine (pinus elliotti) and gallberry
11 (Ilex glabral) are classified as facultative and thus added to
12 the list in rule 62-340.450(3), Florida Administrative Code.

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

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17 SENATE SUMMARY

18 Increases the amount of the proceeds from the excise tax
19 on documents which are distributed to the Land
20 Acquisition Trust Fund. Authorizes implementation of a
21 statewide programmatic general permit by the Department
22 of Environmental Protection and the water management
23 districts for certain dredge and fill activities.
24 Specifies conditions applicable to such permit. Revises
25 provisions concerning the vegetative index used to
26 delineate the landward extent of wetlands and surface
27 waters.
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