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CHAMBER ACTION

Senate

House

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4/29/2008 3:44 PM

1 Senator Saunders moved the following **amendment**:

2
3 **Senate Amendment (with title amendment)**

4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Subsection (1) of section 215.619, Florida
7 Statutes, is amended to read:

8 215.619 Bonds for Everglades restoration.--

9 (1) The issuance of Everglades restoration bonds to finance
10 or refinance the cost of acquisition and improvement of land,
11 water areas, and related property interests and resources for the
12 purpose of implementing the Comprehensive Everglades Restoration
13 Plan under s. 373.470, the Lake Okeechobee Watershed Protection
14 Plan under s. 373.4595, the Caloosahatchee River Watershed
15 Protection Plan under s. 373.4595, ~~and~~ the St. Lucie River
16 Watershed Protection Plan under s. 373.4595, and the Florida Keys
17 Area of Critical State Concern protection program under ss.



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18 380.05 and 380.0552 to restore and conserve natural systems
19 through the implementation of water management projects,
20 including wastewater management projects identified in the "Keys
21 Wastewater Plan" dated November 2007 and submitted to the Florida
22 House of Representatives on December 4, 2007, is authorized in
23 accordance with s. 11(e), Art. VII of the State Constitution.
24 Everglades restoration bonds, except refunding bonds, may be
25 issued only in fiscal years 2002-2003 through 2019-2020 ~~2009-2010~~
26 and may not be issued in an amount exceeding \$100 million per
27 fiscal year unless:

28 (a) The Department of Environmental Protection has
29 requested additional amounts in order to achieve cost savings or
30 accelerate the purchase of land; or

31 (b) The Legislature authorizes an additional amount of
32 bonds not to exceed \$50 million per fiscal year, for no more than
33 4 fiscal years, specifically for the purpose of funding the
34 Florida Keys Area of Critical State Concern protection program.

35
36 The duration of Everglades restoration bonds may not exceed 20
37 annual maturities, and those bonds must mature by December 31,
38 2040 ~~2030~~. Except for refunding bonds, a series of bonds may not
39 be issued unless an amount equal to the debt service coming due
40 in the year of issuance has been appropriated by the Legislature.
41 Beginning July 1, 2010, the Legislature shall analyze the ratio
42 of the state's debt to projected revenues prior to the
43 authorization to issue any bonds under this section.

44 Section 2. Subsections (2), (4), and (6) of section
45 373.470, Florida Statutes, are amended to read:

46 373.470 Everglades restoration.--

47 (2) DEFINITIONS.--As used in this section, the term:



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48 (a) "Caloosahatchee River Watershed Protection Plan" means
49 the plan developed pursuant to s. 373.4595.

50 (b) "Comprehensive plan" means the recommended
51 comprehensive plan contained within the "Final Integrated
52 Feasibility Report and Programmatic Environmental Impact
53 Statement, April 1999" and submitted to Congress on July 1, 1999.

54 (c) "Corps" means the United States Army Corps of
55 Engineers.

56 (d) "District" means the South Florida Water Management
57 District.

58 (e) "Keys Wastewater Plan" means the plan prepared by the
59 Monroe County Engineering Division dated November 2007 and
60 submitted to the Florida House of Representatives on December 4,
61 2007.

62 (f) ~~(e)~~ "Lake Okeechobee Watershed Protection Plan" means
63 the plan developed pursuant to ss. 375.4595 and 373.451-373.459.

64 (g) ~~(f)~~ "Project" means the Central and Southern Florida
65 Project authorized under the heading "CENTRAL AND SOUTHERN
66 FLORIDA" in s. 203 of the Flood Control Act of 1948 (62 Stat.
67 1176), and any modification to the project authorized by law.

68 (h) ~~(g)~~ "Project component" means any structural or
69 operational change, resulting from the comprehensive plan, to the
70 project as it existed and was operated as of January 1, 1999.

71 (i) ~~(h)~~ "Project implementation report" means the project
72 implementation report as described in the "Final Integrated
73 Feasibility Report and Programmatic Environmental Impact
74 Statement, April 1999" and submitted to Congress on July 1, 1999.

75 (j) ~~(i)~~ "River Watershed Protection Plans" means the
76 Caloosahatchee River Watershed Protection Plan and the St. Lucie
77 River Watershed Protection Plan as defined in this subsection.



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78 ~~(k)(j)~~ "St. Lucie River Watershed Protection Plan" means
79 the plan developed pursuant to s. 373.4595.

80 (4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR
81 DEPOSIT.--The following funds may be deposited into the Save Our
82 Everglades Trust Fund created by s. 373.472 to finance
83 implementation of the comprehensive plan, the Lake Okeechobee
84 Watershed Protection Plan, ~~and~~ the River Watershed Protection
85 Plans, and the Keys Wastewater Plan:

86 (a) Funds described in subsection (5).

87 (b) Federal funds appropriated by Congress for
88 implementation of the comprehensive plan, the Lake Okeechobee
89 Watershed Protection Plan, or the River Watershed Protection
90 Plans.

91 (c) Any additional funds appropriated by the Legislature
92 for the purpose of implementing the comprehensive plan, the Lake
93 Okeechobee Watershed Protection Plan, ~~or~~ the River Watershed
94 Protection Plans, or the Keys Wastewater Plan.

95 (d) Gifts designated for implementation of the
96 comprehensive plan, the Lake Okeechobee Watershed Protection
97 Plan, ~~or~~ the River Watershed Protection Plans, or the Keys
98 Wastewater Plan from individuals, corporations, or other
99 entities.

100 (e) Funds made available pursuant to s. 201.15 for debt
101 service for Everglades restoration bonds.

102 (6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.--

103 (a) Except as provided in paragraphs (d) and (e) and for
104 funds appropriated for debt service, the department shall
105 distribute funds in the Save Our Everglades Trust Fund to the
106 district in accordance with a legislative appropriation and s.
107 373.026(8)(b) and (c). Distribution of funds to the district from



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108 | the Save Our Everglades Trust Fund shall be equally matched by
109 | the cumulative contributions from the district by fiscal year
110 | 2019-2020 by providing funding or credits toward project
111 | components. The dollar value of in-kind project design and
112 | construction work by the district in furtherance of the
113 | comprehensive plan and existing interest in public lands needed
114 | for a project component are credits towards the district's
115 | contributions.

116 | (b) The department shall distribute funds in the Save Our
117 | Everglades Trust Fund to the district in accordance with a
118 | legislative appropriation for debt service for Everglades
119 | restoration bonds.

120 | (c) To the extent that funds are available, the department
121 | may reserve a minimum of \$10 million annually from the Save Our
122 | Everglades Trust Fund for the purpose of implementation of the
123 | River Watershed Protection Plans within the Northern Everglades
124 | as identified in s. 373.4595. Distribution of funds from the Save
125 | Our Everglades Trust Fund for the implementation of the River
126 | Watershed Protection Plans shall be in accordance with paragraph
127 | (a) and shall be equally matched by the district and Lee and
128 | Martin Counties by fiscal year 2019-2020 by providing funding or
129 | credits toward project components. The dollar value of in-kind
130 | project design and construction work by the district or the
131 | counties in furtherance of the River Watershed Protection Plans
132 | and existing interest in public lands needed for a project
133 | component are credits towards the district's and counties'
134 | contributions.

135 | (d) Subject to a specific appropriation to the Department
136 | of Agriculture and Consumer Services for the purpose of
137 | implementing agricultural nonpoint source controls as identified



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138 | in s. 373.4595 or the legislatively ratified Lake Okeechobee
139 | Watershed Protection Plan and the River Watershed Protection
140 | Plans, and upon written request by the Department of Agriculture
141 | and Consumer Services for the transfer, the department shall
142 | transfer an amount equal to such specific appropriation from the
143 | Save Our Everglades Trust Fund to the Department of Agriculture
144 | and Consumer Services General Inspection Trust Fund. All interest
145 | earned on the investment of funds transferred from the Save Our
146 | Everglades Trust Fund to the General Inspection Trust Fund shall
147 | be credited to the Save Our Everglades Trust Fund by June 30 of
148 | each year.

149 | (e) Subject to specific appropriation, the department shall
150 | use moneys from the Save Our Everglades Trust Fund to fund
151 | projects identified in the Keys Wastewater Plan. The department
152 | may establish requirements, through grant agreements or other
153 | contractual arrangements, to ensure the timely construction of
154 | projects and expenditure of appropriated funds by the local
155 | governments in Monroe County, including, but not limited to,
156 | project implementation deadlines, local matching requirements,
157 | fair and competitive procurement requirements, and financial
158 | tracking requirements.

159 | Section 3. Subsections (1) and (4) of section 373.472,
160 | Florida Statutes, are amended to read:

161 | 373.472 Save Our Everglades Trust Fund.--

162 | (1) There is created within the Department of Environmental
163 | Protection the Save Our Everglades Trust Fund. Funds in the trust
164 | fund shall be expended to implement the comprehensive plan
165 | defined in s. 373.470(2)(b); ~~373.470(2)(a)~~, the Lake Okeechobee
166 | Watershed Protection Plan defined in s. 373.4595(2); ~~7~~ the
167 | Caloosahatchee River Watershed Protection Plan defined in s.



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168 373.4595(2); ~~and~~ the St. Lucie River Watershed Protection Plan
169 defined in s. 373.4595(2); and the Florida Keys Area of Critical
170 State Concern protection program under ss. 380.05 and 380.0552 to
171 restore and conserve natural systems through the implementation
172 of water management projects, including wastewater management
173 projects identified in the "Keys Wastewater Plan" dated November
174 2007 and submitted to the Florida House of Representatives on
175 December 4, 2007; and to pay debt service for Everglades
176 restoration bonds issued pursuant to s. 215.619. The trust fund
177 shall serve as the repository for state, local, and federal
178 project contributions in accordance with s. 373.470(4).

179 ~~(4) Pursuant to the provisions of s. 19(f)(2), Art. III of~~
180 ~~the State Constitution, the Save Our Everglades Trust Fund shall,~~
181 ~~unless terminated sooner, terminate on July 1, 2004. Prior to its~~
182 ~~scheduled termination, the trust fund shall be reviewed as~~
183 ~~provided in s. 215.3206(1) and (2).~~

184 Section 4. This act shall take effect July 1, 2008.

187 ===== T I T L E A M E N D M E N T =====

188 And the title is amended as follows:

189 Delete everything before the enacting clause
190 and insert:

191 A bill to be entitled
192 An act relating to Everglades restoration bonds; amending
193 s. 215.619, F.S.; authorizing the issuance of additional
194 Everglades restoration bonds to implement the Florida Keys
195 Area of Critical State Concern protection program;
196 extending the period during which Everglades Restoration
197 bonds may be issued; authorizing the issuance of an



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198 additional amount of bonds for a specified time period
199 specifically to fund the Florida Keys Area of Critical
200 State Concern protection program; requiring the
201 Legislature to analyze the ratio of the state's debt to
202 projected revenues before authorizing issuance of certain
203 bonds; amending s. 373.470, F.S.; defining the term "Keys
204 Wastewater Plan"; authorizing funds deposited into the
205 Save Our Everglades Trust Fund to be used to implement the
206 Keys Wastewater Plan; amending s. 373.472, F.S.;
207 authorizing the Department of Environmental Protection,
208 subject to specific appropriation, to use moneys from the
209 Save Our Everglades Trust Fund to fund projects identified
210 in the Keys Wastewater Plan; deleting an obsolete
211 provision terminating the Save Our Everglades Trust Fund;
212 providing an effective date.