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1
2 An act relating to Everglades restoration bonds; amending
3 s. 215.619, F.S.; authorizing the issuance of additional
4 Everglades restoration bonds to implement the Florida Keys
5 Area of Critical State Concern protection program;
6 extending the period during which Everglades Restoration
7 bonds may be issued; authorizing the issuance of an
8 additional amount of bonds for a specified time period
9 specifically to fund the Florida Keys Area of Critical
10 State Concern protection program; requiring the
11 Legislature to analyze the ratio of the state's debt to
12 projected revenues before authorizing issuance of certain
13 bonds; amending s. 373.470, F.S.; defining the term "Keys
14 Wastewater Plan"; authorizing funds deposited into the
15 Save Our Everglades Trust Fund to be used to implement the
16 Keys Wastewater Plan; amending s. 373.472, F.S.;
17 authorizing the Department of Environmental Protection,
18 subject to specific appropriation, to use moneys from the
19 Save Our Everglades Trust Fund to fund projects identified
20 in the Keys Wastewater Plan; deleting an obsolete
21 provision terminating the Save Our Everglades Trust Fund;
22 providing an effective date.
23

24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Subsection (1) of section 215.619, Florida
27 Statutes, is amended to read:

28 215.619 Bonds for Everglades restoration.--

29 (1) The issuance of Everglades restoration bonds to finance

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30 | or refinance the cost of acquisition and improvement of land,
31 | water areas, and related property interests and resources for the
32 | purpose of implementing the Comprehensive Everglades Restoration
33 | Plan under s. 373.470, the Lake Okeechobee Watershed Protection
34 | Plan under s. 373.4595, the Caloosahatchee River Watershed
35 | Protection Plan under s. 373.4595, ~~and~~ the St. Lucie River
36 | Watershed Protection Plan under s. 373.4595, and the Florida Keys
37 | Area of Critical State Concern protection program under ss.
38 | 380.05 and 380.0552 to restore and conserve natural systems
39 | through the implementation of water management projects,
40 | including wastewater management projects identified in the "Keys
41 | Wastewater Plan" dated November 2007 and submitted to the Florida
42 | House of Representatives on December 4, 2007, is authorized in
43 | accordance with s. 11(e), Art. VII of the State Constitution.
44 | Everglades restoration bonds, except refunding bonds, may be
45 | issued only in fiscal years 2002-2003 through 2019-2020 ~~2009-2010~~
46 | and may not be issued in an amount exceeding \$100 million per
47 | fiscal year unless:

48 | (a) The Department of Environmental Protection has
49 | requested additional amounts in order to achieve cost savings or
50 | accelerate the purchase of land; or

51 | (b) The Legislature authorizes an additional amount of
52 | bonds not to exceed \$50 million per fiscal year, for no more than
53 | 4 fiscal years, specifically for the purpose of funding the
54 | Florida Keys Area of Critical State Concern protection program.

55 |
56 | The duration of Everglades restoration bonds may not exceed 20
57 | annual maturities, and those bonds must mature by December 31,
58 | 2040 ~~2030~~. Except for refunding bonds, a series of bonds may not

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59 | be issued unless an amount equal to the debt service coming due
60 | in the year of issuance has been appropriated by the Legislature.
61 | Beginning July 1, 2010, the Legislature shall analyze the ratio
62 | of the state's debt to projected revenues prior to the
63 | authorization to issue any bonds under this section.

64 | Section 2. Subsections (2), (4), and (6) of section
65 | 373.470, Florida Statutes, are amended to read:

66 | 373.470 Everglades restoration.--

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

68 | (a) "Caloosahatchee River Watershed Protection Plan" means
69 | the plan developed pursuant to s. 373.4595.

70 | (b) "Comprehensive plan" means the recommended
71 | comprehensive plan contained within the "Final Integrated
72 | Feasibility Report and Programmatic Environmental Impact
73 | Statement, April 1999" and submitted to Congress on July 1, 1999.

74 | (c) "Corps" means the United States Army Corps of
75 | Engineers.

76 | (d) "District" means the South Florida Water Management
77 | District.

78 | (e) "Keys Wastewater Plan" means the plan prepared by the
79 | Monroe County Engineering Division dated November 2007 and
80 | submitted to the Florida House of Representatives on December 4,
81 | 2007.

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

84 | ~~(g)~~ (f) "Project" means the Central and Southern Florida
85 | Project authorized under the heading "CENTRAL AND SOUTHERN
86 | FLORIDA" in s. 203 of the Flood Control Act of 1948 (62 Stat.
87 | 1176), and any modification to the project authorized by law.

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

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

95 (j)~~(i)~~ "River Watershed Protection Plans" means the
96 Caloosahatchee River Watershed Protection Plan and the St. Lucie
97 River Watershed Protection Plan as defined in this subsection.

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

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

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

107 (b) Federal funds appropriated by Congress for
108 implementation of the comprehensive plan, the Lake Okeechobee
109 Watershed Protection Plan, or the River Watershed Protection
110 Plans.

111 (c) Any additional funds appropriated by the Legislature
112 for the purpose of implementing the comprehensive plan, the Lake
113 Okeechobee Watershed Protection Plan, ~~or~~ the River Watershed
114 Protection Plans, or the Keys Wastewater Plan.

115 (d) Gifts designated for implementation of the
116 comprehensive plan, the Lake Okeechobee Watershed Protection

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117 | Plan, ~~or~~ the River Watershed Protection Plans, or the Keys
118 | Wastewater Plan from individuals, corporations, or other
119 | entities.

120 | (e) Funds made available pursuant to s. 201.15 for debt
121 | service for Everglades restoration bonds.

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

123 | (a) Except as provided in paragraphs (d) and (e) and for
124 | funds appropriated for debt service, the department shall
125 | distribute funds in the Save Our Everglades Trust Fund to the
126 | district in accordance with a legislative appropriation and s.
127 | 373.026(8)(b) and (c). Distribution of funds to the district from
128 | the Save Our Everglades Trust Fund shall be equally matched by
129 | the cumulative contributions from the district by fiscal year
130 | 2019-2020 by providing funding or credits toward project
131 | components. The dollar value of in-kind project design and
132 | construction work by the district in furtherance of the
133 | comprehensive plan and existing interest in public lands needed
134 | for a project component are credits towards the district's
135 | contributions.

136 | (b) The department shall distribute funds in the Save Our
137 | Everglades Trust Fund to the district in accordance with a
138 | legislative appropriation for debt service for Everglades
139 | restoration bonds.

140 | (c) To the extent that funds are available, the department
141 | may reserve a minimum of \$10 million annually from the Save Our
142 | Everglades Trust Fund for the purpose of implementation of the
143 | River Watershed Protection Plans within the Northern Everglades
144 | as identified in s. 373.4595. Distribution of funds from the Save
145 | Our Everglades Trust Fund for the implementation of the River

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146 Watershed Protection Plans shall be in accordance with paragraph
147 (a) and shall be equally matched by the district and Lee and
148 Martin Counties by fiscal year 2019-2020 by providing funding or
149 credits toward project components. The dollar value of in-kind
150 project design and construction work by the district or the
151 counties in furtherance of the River Watershed Protection Plans
152 and existing interest in public lands needed for a project
153 component are credits towards the district's and counties'
154 contributions.

155 (d) Subject to a specific appropriation to the Department
156 of Agriculture and Consumer Services for the purpose of
157 implementing agricultural nonpoint source controls as identified
158 in s. 373.4595 or the legislatively ratified Lake Okeechobee
159 Watershed Protection Plan and the River Watershed Protection
160 Plans, and upon written request by the Department of Agriculture
161 and Consumer Services for the transfer, the department shall
162 transfer an amount equal to such specific appropriation from the
163 Save Our Everglades Trust Fund to the Department of Agriculture
164 and Consumer Services General Inspection Trust Fund. All interest
165 earned on the investment of funds transferred from the Save Our
166 Everglades Trust Fund to the General Inspection Trust Fund shall
167 be credited to the Save Our Everglades Trust Fund by June 30 of
168 each year.

169 (e) Subject to specific appropriation, the department shall
170 use moneys from the Save Our Everglades Trust Fund to fund
171 projects identified in the Keys Wastewater Plan. The department
172 may establish requirements, through grant agreements or other
173 contractual arrangements, to ensure the timely construction of
174 projects and expenditure of appropriated funds by the local

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175 governments in Monroe County, including, but not limited to,
176 project implementation deadlines, local matching requirements,
177 fair and competitive procurement requirements, and financial
178 tracking requirements.

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

181 373.472 Save Our Everglades Trust Fund.--

182 (1) There is created within the Department of Environmental
183 Protection the Save Our Everglades Trust Fund. Funds in the trust
184 fund shall be expended to implement the comprehensive plan
185 defined in s. 373.470(2)(b); ~~373.470(2)(a)~~, the Lake Okeechobee
186 Watershed Protection Plan defined in s. 373.4595(2); ~~;~~ the
187 Caloosahatchee River Watershed Protection Plan defined in s.
188 373.4595(2); ~~;~~ and the St. Lucie River Watershed Protection Plan
189 defined in s. 373.4595(2); and the Florida Keys Area of Critical
190 State Concern protection program under ss. 380.05 and 380.0552 to
191 restore and conserve natural systems through the implementation
192 of water management projects, including wastewater management
193 projects identified in the "Keys Wastewater Plan" dated November
194 2007 and submitted to the Florida House of Representatives on
195 December 4, 2007; ~~;~~ and to pay debt service for Everglades
196 restoration bonds issued pursuant to s. 215.619. The trust fund
197 shall serve as the repository for state, local, and federal
198 project contributions in accordance with s. 373.470(4).

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

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