

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7119 PCB GAC 17-06 Florida Forever Program
SPONSOR(S): Government Accountability Committee, Caldwell and others
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Government Accountability Committee	20 Y, 0 N	Gregory	Williamson

SUMMARY ANALYSIS

In 1999, the Legislature created the Florida Forever Program. The proceeds from cash payments or bonds issued under the Florida Forever Act must be deposited into the Florida Forever Trust Fund, minus the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds. The state must distribute the proceeds to the Department of Environmental Protection to fund projects for the Florida Forever Program, Florida Communities Trust (FCT) and Stan Mayfield Working Waterfronts Program, Florida Recreation Development Assistance Program (FRDAP), Florida State Parks, Florida Forest Service, Fish and Wildlife Conservation Commission (FWC), Florida Greenways and Trails Program, and Rural and Family Lands Protection Program (RFLPP). The Florida Forever Program is used to purchase environmentally sensitive lands to protect natural resources, avoid degradation of water resources, improve recreational opportunities, and preserve wildlife habitat.

The bill amends the distribution of funding under the Florida Forever Act to focus on the acquisition of conservation lands, and it consolidates the acquisition of interests in land into three categories: land acquisitions on the Acquisition and Restoration Council (ARC) priority list, FCT, and RFLPP. Specifically the bill:

- Removes funding allocations for acquisitions identified on water management districts' priority lists; acquisition of inholdings and additions to state parks, state forests, lands managed by FWC, and greenways and trails; and land acquisition grants under FRDAP. These projects will still be eligible to receive funding through the priority list developed by ARC;
- Increases the funding allocation from the Florida Forever Trust Fund to FCT from 21 percent to 25 percent, consolidates the Stan Mayfield Working Waterfronts Program into this allocation, and removes certain allocation requirements for FCT;
- Increases funding allocations for RFLPP from 3 ⁵/₁₀ percent to 40 percent; and
- Removes the use of Florida Forever funding for capital project expenditures and land management, because these activities are directly funded from the Land Acquisition Trust Fund (LATF).

The bill amends the LATF distribution to give priority for the acquisition of conservation land interests as set forth in the Florida Forever Act with the funds remaining after the payment of the debt service for Florida Forever bonds and Everglades restoration bonds and the statutory funding allocations for the restoration of the Everglades, springs, and Lake Apopka.

The bill does not establish any new spending requirements, but merely amends and reprioritizes current distribution formulas. As such, the bill does not appear to have a fiscal impact on state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida Forever

Present Situation

In 1999, the Legislature created the Florida Forever Program.¹ This program seeks to purchase environmentally sensitive lands to protect natural resources, avoid degradation of water resources, improve recreational opportunities, and preserve wildlife habitat.² The state issued Florida Forever bonds 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 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.³

Florida Forever Projects

Florida Forever is Florida's conservation and recreation lands acquisition program, a blueprint for conserving natural resources and renewing Florida's commitment to conserve the state's natural and cultural heritage.⁴ The Acquisition and Recreation Council (ARC),⁵ with the assistance of the Florida Natural Area Inventories and several state agencies, evaluates applications for acquisition projects under the Florida Forever Program and provides recommendations to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees)⁶ on the projects to pursue.⁷ The projects must contribute to the achievement of several conservation goals for ARC and the Board of Trustees to consider them for acquisition.⁸ ARC must weigh several factors when considering the applications for funding.⁹ Further, ARC must give increased priority to certain enumerated projects.¹⁰

Water Management District Projects

Water management districts (WMDs) may acquire real property to conserve and protect water and water-related resources.¹¹ Each WMD must develop a five-year work plan that identifies projects necessary to promote reclamation, storage, or recovery of water and other properties or activities that

¹ Chapter 99-247, Laws of Fla.

² Section 259.105(2)(a), F.S.

³ Section 215.618(1)(a), F.S.

⁴ Department of Environmental Protection (DEP), *Florida Forever*, http://www.dep.state.fl.us/lands/fl_forever.htm (last visited April 18, 2017).

⁵ ARC is a 10 member board established to assist the Board of Trustees to review the recommendations and plans for state-owned lands. Four members are appointed by the Governor, one member is appointed by the Secretary of DEP, one member is appointed by the Director of the Florida Forest Service, two members are appointed by the Executive Director of the Fish and Wildlife Conservation Commission (FWC), one member is appointed by the Secretary of the Department of State, and one member is appointed by the Commissioner of Agriculture. Section 259.035, F.S.

⁶ The Board of Trustees holds state lands in trust for the use and benefit of the people of Florida. Section 253.001, F.S. The Board of Trustees consists of the Governor, Attorney General, Chief Financial Officer, and Commissioner of Agriculture. Section 253.02(a), F.S. This body may acquire, sell, transfer, and administer state lands in the manner consistent with chapters 253 and 259, F.S.

⁷ Sections 259.105(2) and (8), F.S.

⁸ Section 259.105(4), F.S.

⁹ Section 259.105(9), F.S.

¹⁰ *Id.*

¹¹ Section 373.139(1), F.S.

would assist in meeting the goals of Florida Forever.¹² The plan must list projects and describe, among other things, the water bodies it affects; proposed improvements, developments, or restoration; funding needed; proposed public access; and the interest in the land sought by the project.¹³ Further, the list must indicate the relative significance of each project within the WMD's boundaries, the schedule of activities, and sums of money earmarked.¹⁴ By March 1 of each year, each WMD must report to the Legislature and Department of Environmental Protection (DEP) on acquisitions completed during the year and modifications to its five-year work plan. DEP must submit the report to the Board of Trustees along with the recommendations from ARC for Florida Forever projects.¹⁵

Florida Communities Trust and Stan Mayfield Working Waterfronts Program Projects

Florida Communities Trust (FCT) assists communities to protect important natural resources, provide recreational opportunities, and preserve Florida's traditional working waterfronts through the competitive criteria in the Parks and Open Space Florida Forever Grant Program and the Stan Mayfield Working Waterfronts Florida Forever Grant Program. These local land acquisition grant programs provide funding to local governments and eligible non-profit organizations to acquire land for parks, open space, greenways, and projects supporting Florida's seafood harvesting and aquaculture industries.¹⁶ Members of FCT evaluate projects submitted by applicants that meet certain criteria and select projects based on scores developed by rule to receive funding.¹⁷

Florida Recreation Development Assistance Program Projects

Florida Recreation Development Assistance Program Projects (FRDAP) is a competitive, reimbursement grant program. FRDAP provides financial assistance for acquisition or development of land for public outdoor recreation. Eligible participants include all county governments, municipalities in Florida, and other legally created local governmental entities, with the responsibility for providing outdoor recreational sites and facilities for the general public.¹⁸ Local governments may submit three applications a year. The most any one project may receive is \$200,000.¹⁹

State Parks Projects

The Division of Recreation and Parks (DRP) within DEP manages 163 parks and 11 state trails covering 800,000 acres, 100 miles of beaches, and more than 1,500 miles of multi-use trails.²⁰ The state established these areas for the protection and preservation of their natural features or historic significance and for public use and enjoyment.²¹ DRP may acquire in the name of the state any property, real or personal, by purchase, grant, devise, condemnation, donation, or otherwise. This property must, in its judgment, be necessary or proper toward the administration of the purposes of the parks.²² DRP must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. DRP may acquire proposed additions if DRP identified them within the original project boundary, the adopted management plan, or the management prospectus. If the proposed acquisition does not meet those criteria, ARC must approve the proposed acquisition. ARC may only approve the proposed addition if it

¹² Sections 373.199(2) and (3), F.S.

¹³ Section 373.199(4), F.S.

¹⁴ Section 373.199(5), F.S.

¹⁵ Section 373.199(7), F.S.

¹⁶ DEP, *Florida Communities Trust*, http://www.dep.state.fl.us/lands/FL_Communities_Trust/default.htm (last visited April 18, 2017); *see also* s. 380.507, F.S.

¹⁷ Sections 380.508 and 380.5105, F.S.; rules 62-815.008, 62-818.007, and 62-820.006, F.A.C.

¹⁸ DEP, *Land and Recreation Grant Program*, <http://www.dep.state.fl.us/parks/OIRS/> (last visited April 18, 2017).

¹⁹ Section 375.075(3), F.S.

²⁰ DEP, *Division of Recreation and Parks*, <http://www.dep.state.fl.us/mainpage/programs/parks.htm> (last visited April 18, 2017).

²¹ Rule 62D-2.013(1), F.A.C.

²² Section 258.007(1), F.S. DRP's ability to use condemnation is limited to parks within its jurisdiction on July 1, 1980, and may not exceed 40 acres or 10 percent of the total acreage of the park, whichever is less.

meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.²³

Florida Forest Service Projects

The Florida Forest Service (FFS) within the Department of Agriculture and Consumer Services (DACS) manages 37 state forests consisting of over a million acres of forest for multiple purposes including timber, recreation, and wildlife habitat.²⁴ Its mission is to protect and manage the forest resources of the state, ensuring they are available for future generations.²⁵ FFS may acquire lands suitable for state forest purposes by gift, donation, contribution, purchase, or otherwise and may enter into agreements with the federal government, or other agency, for acquiring by gift, purchase, or otherwise such lands as are suitable and desirable for state forests.²⁶ FFS must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. FFS may acquire proposed additions if FFS identified them within the original project boundary, the adopted management plan, or the management prospectus. If the proposed acquisition does not meet those criteria, ARC must approve the proposed acquisition. ARC may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.²⁷

Fish and Wildlife Conservation Commission Projects

Wildlife management areas (WMAs) are public lands managed, or cooperatively managed with other government agencies, by the Fish and Wildlife Conservation Commission (FWC) for the enjoyment of anglers, hunters, wildlife viewers, and boaters.²⁸ FWC manages approximately 5.9 million acres of land as WMAs. FWC serves as the lead manager for 54 areas covering 1.4 million acres and cooperatively manages 93 areas covering 4.5 million acres.²⁹ FWC, with the approval of the Governor, may acquire, in the name of the state, lands and waters suitable for the protection and propagation of game, fish, nongame birds, or fur-bearing animals, or for hunting purposes, game farms, by purchase, lease, gift or otherwise to be known as state game lands.³⁰ FWC must develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. FWC may acquire proposed additions if it identified them within the original project boundary, the adopted management plan, or the management prospectus. If the proposed acquisition does not meet those criteria, ARC must approve the proposed acquisition. ARC may only approve the proposed addition if it meets two or more of the following criteria: serves as a link or

²³ Section 259.105(3)(1), F.S.

²⁴ DACS, *Florida Forest Service*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service> (last visited April 19, 2017); DACS, *Our Forests*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests> (last visited April 19, 2017).

²⁵ DACS presentation on Florida Forest Service Overview, p. 31, Agriculture & Natural Resources Appropriations Subcommittee, February 22, 2017, available at: <http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2893&Session=2017&DocumentType=Meeting%20Packets&FileName=anr%202-22-17.pdf> (last visited April 19, 2017).

²⁶ Section 589.07, F.S.

²⁷ Section 259.105(3)(1), F.S.

²⁸ FWC, *What are Wildlife Management Areas?*, <http://myfwc.com/viewing/recreation/wmas/> (last visited April 19, 2017).

²⁹ FWC presentation on Wildlife Management Area, p. 74, Agriculture & Natural Resources Appropriations Subcommittee, February 22, 2017, available at:

<http://www.myfloridahouse.gov/Sections/Documents/loadoc.aspx?PublicationType=Committees&CommitteeId=2893&Session=2017&DocumentType=Meeting%20Packets&FileName=anr%202-22-17.pdf> (last visited April 19, 2017).

³⁰ Section 379.2222, F.S.

corridor to other publicly owned property; enhances the protection or management of the property; would add a desirable resource to the property; would create a more manageable boundary configuration; has a high resource value that otherwise would be unprotected; or can be acquired at less than fair market value.³¹

Florida Greenways and Trails Program Projects

The Office of Greenways & Trails (OGT) within DRP provides statewide leadership and coordination to establish, expand and promote the Florida Greenways and Trails System (FGT).³² FGT is a statewide system of greenways and trails that consists of individual and networks of greenways and trails designated by DEP as a part of the statewide system.³³ These greenways and trails serve to implement the concepts of ecosystems management while providing recreational opportunities.³⁴ DEP may acquire land by gift or purchase the fee simple absolute title or any lesser interest in land, including easements, for purposes of greenways and trails.³⁵ The Florida Greenways and Trails Council (Council) recommends lands for acquisition based on ranking criteria developed by DEP. DEP's Secretary either approves the Council's recommendations or modifies them.³⁶ Section 259.105(3)(l), F.S., requires OGT to develop its individual acquisition or restoration lists in accordance with specific criteria and numeric performance measures developed by ARC for acquisitions. However, s. 260.015(1)(c), F.S., exempts OGT from the evaluation and selection procedures developed by ARC.

Rural and Family Lands Protection Program Projects

The Rural and Family Lands Protection Program (RFLPP) within DACS is an agricultural land preservation program designed to protect important agricultural lands through the acquisition of permanent agricultural land conservation easements. The program meets three needs:

- Protect valuable agricultural lands from conversion to other uses;
- Create easement documents that work together with agricultural production to ensure sustainable agricultural practices and reasonable protection of the environment without interfering with agricultural operations in such a way that could put the continued economic viability of these operations at risk; and
- Protect of natural resources, not as the primary purpose, but in conjunction with economically viable agricultural operations.³⁷

DACS adopted rules that established an application process, a process and criteria for setting priorities for use of funds to achieve the purposes of the program and giving preference to ranch and timber lands managed using sustainable practices, an appraisal process, and a process for title review and compliance and approval of the rules by the Board of Trustees.³⁸

³¹ Section 259.105(3)(l), F.S.

³² DEP, *Office of Greenways and Trails*, <http://www.dep.state.fl.us/gwt/> (last visited April 18, 2017).

³³ Section 260.014, F.S.

³⁴ Section 260.012(1), F.S.

³⁵ Section 260.015(1), F.S.

³⁶ Section 260.016(2), F.S.; rules 62S-1.300(7) and (8), F.A.C.

³⁷ DACS, *Rural and Family Lands Protection Program*, <http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service/Our-Forests/Land-Planning-and-Administration-Section/Rural-and-Family-Lands-Protection-Program2> (last visited April 19, 2017); section 570.71(1), F.S.

³⁸ Section 570.71(10), F.S.; chapter 5I-7, F.A.C.

Florida Forever Act

The proceeds from cash payments or bonds issued under the Florida Forever Act must be deposited into the Florida Forever Trust Fund, minus the costs of issuing and the costs of funding reserve accounts and other costs associated with bonds.³⁹ The state must distribute those proceeds to DEP in the following manner:

- Thirty percent to DEP for the acquisition of lands and capital project expenditures necessary to implement the WMDs' priority lists developed in their five-year work plans. WMDs must use a minimum of 50 percent of the total funds provided over the life of the Florida Forever program for the acquisition of lands. The funds must be distributed to WMDs as follows: 35 percent to the South Florida WMD, 25 percent to the Southwest Florida WMD, 25 percent to the St. Johns River WMD, 7 ½ percent to the Suwannee River WMD, and 7 ½ percent to the Northwest Florida WMD;
- Thirty-five percent to DEP for the acquisition of lands and capital project expenditures under the Florida Forever Program. The funds for the Florida Forever Program must be spent as follows:
 - Increased priority should be given to those acquisitions that achieve a combination of conservation goals, including protecting Florida's water resources and natural groundwater recharge;
 - At a minimum, 3 percent, and no more than 10 percent, of the funds allocated to the Florida Forever Program must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access; and
 - Beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, at least \$5 million must be spent on land acquisition within the Florida Keys Area of Critical State Concern;
- Twenty-one percent to DEP for use by FCT for purposes of the Florida Communities Trust Act and grants to local governments or nonprofit environmental organizations that are tax-exempt under s. 501(c)(3) of the United States Internal Revenue Code. FCT and the grant recipients must use those funds for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local government comprehensive plans. The funds for FCT must be spent as follows:
 - Emphasize funding projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state, including boat ramps and associated parking and other support facilities;
 - At least 30 percent of the total allocation provided to FCT must be used in Standard Metropolitan Statistical Areas. One-half of that amount must be used in localities where the project site is located in built-up commercial, industrial, or mixed-use areas and functions to intersperse open spaces within congested urban core areas; and
 - No less than 5 percent must be used to acquire lands for recreational trail systems, provided that in the event these funds are not needed for such projects, they will be available for other trust projects;
- Two percent to DEP for grants under FRDAP;
- One and five-tenths percent to DEP for the purchase of inholdings and additions to state parks and for capital project expenditures. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated to state parks must be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access;
- One and five-tenths percent to FFS to fund the acquisition of state forest inholdings and additions, the implementation of reforestation plans or sustainable forestry management practices, and for capital project expenditures. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated for the acquisition of inholdings and additions for state forests

³⁹ Section 259.105(3), F.S.
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may be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access;

- One and five-tenths percent to FWC to fund the acquisition of inholdings and additions to lands managed by FWC. The acquisitions must be important to the conservation of fish and wildlife and for capital project expenditures as described in this section. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated to FWC may be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access;
- One and five-tenths percent to DEP for FGT to acquire greenways and trails or greenways and trail systems. At a minimum, 1 percent, and no more than 10 percent, of the funds allocated to FGT may be spent on capital project expenditures identified during the time of acquisition that meet land management planning activities necessary for public access;
- Three and five-tenths percent to DACS for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less than fee techniques that achieve the objectives of the Florida Forever Program and RFLPP; and
- Two and five-tenths percent to DEP for the acquisition of land and capital project expenditures necessary to implement the Stan Mayfield Working Waterfronts Program within FCT.⁴⁰

Effect of the Proposed Changes

The bill amends s. 259.105(3), F.S., to consolidate the allocations identified in the Florida Forever Act into three categories: land acquisition, FCT, and RFLPP. Specifically, the bill:

- Consolidates funding allocations for land acquisition into one allocation receiving 35 percent of the funding for Florida Forever projects selected by ARC;
- Removes funding allocations for acquisitions identified on WMDs' priority lists; acquisition of inholdings and additions to state parks, state forests, lands managed by FWC, and greenways and trails; and land acquisition grants under FRDAP. These projects will still be eligible to receive funding through the priority list developed by ARC;
- Increases the funding allocation for FCT projects from 21 percent to 25 percent and consolidates the Stan Mayfield Working Waterfronts Program into this allocation;
- Removes the requirements that allocations from FCT funding be used to fund projects in low-income or otherwise disadvantaged communities and projects that provide areas for direct water access and water-dependent facilities that are open to the public and offer public access by vessels to waters of the state;
- Removes the requirement that at least 30 percent of the allocations from FCT funding be used in Standard Metropolitan Statistical Areas;
- Removes the requirement that no less than 5 percent of allocations from FCT funding be used to acquire lands for recreational trail systems;
- Increases funding allocations for RFLPP from 3 ⁵/₁₀ percent to 40 percent;
- Removes the use of Florida Forever funding for capital project expenditures and land management, because these activities are directly funded from the Land Acquisition Trust Fund (LATF);
- Removes the requirement that DACS may not expend money for RFLPP until it adopts rules to implement the program, because such rules were adopted in 2008;⁴¹
- Removes the requirement for OGT to develop an acquisition and recreation list in accordance with specific criteria and numeric performance measures developed by ARC that conflicts with the exemption provided in s. 260.015(1)(c), F.S.;
- Removes the authority for state parks, FFS, and FWC to create a list of acquisitions and inholdings based on the selection criteria established by ARC and acquire those lands if they are identified within the original project boundary, adopted management plan, or management

⁴⁰ *Id.*

⁴¹ Rule 5I-7, F.A.C.

prospectus. State parks, FFS, and FWC will now be required to seek approval through ARC to acquire such lands;

- Removes the requirement that each WMD receives a certain percentage of funds from the Florida Forever Trust Fund; and
- Makes conforming changes.

Land Acquisition Trust Fund

Present Situation

On November 4, 2014, Florida voters approved an initiative petition relating to water and land conservation. The amendment added article X, section 28 to the Florida Constitution. The amendment directed 33 percent of net revenues derived from existing excise tax on documents⁴² to LATF for 20 years.⁴³ Funds from LATF may be used to:

- Finance or refinance the acquisition and improvement of land, water areas, and related property interests, including conservation easements, and resources for conservation lands including wetlands, forests, and fish and wildlife habitat; WMAs; lands that protect water resources and drinking water sources, including lands protecting the water quality and quantity of rivers, lakes, streams, springsheds, and lands providing recharge for groundwater and aquifer systems; lands in the Everglades Agricultural Area and the Everglades Protection Area; beaches and shores; outdoor recreation lands, including recreational trails, parks, and urban open space; rural landscapes; working farms and ranches; historic or geologic sites; together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands;⁴⁴ and
- Pay the debt service on bonds.⁴⁵

Section 375.041, F.S., implements article X, section 28 of the Florida Constitution by allocating the distribution of funds from LATF. First, LATF funds must be used to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds; and pay debt service, provide reserves, and pay rebate obligations and other amounts due with respect to Everglades restoration bonds.⁴⁶ Next, of the funds remaining after the payments to fund debt service, but before funds may be appropriated, pledged, or dedicated for other uses:

- A minimum of the lesser of 25 percent or \$200 million must be appropriated annually for Everglades restoration projects;⁴⁷
- A minimum of the lesser of 7 6/10 percent or \$50 million must be appropriated annually for spring restoration, protection, and management projects;⁴⁸ and
- The sum of \$5 million must be appropriated each fiscal year through the 2025-2026 fiscal year to the St. Johns River WMD for projects dedicated to the restoration of Lake Apopka.⁴⁹

Finally, any remaining moneys in LATF not distributed as previously discussed must be appropriated for the purposes set forth in article X, section 28 of the Florida Constitution.⁵⁰

⁴² The documentary stamp tax is imposed on documents that transfer interest in Florida real property and certain types of debt. Documents subject to the tax include deeds, bonds, corporate shares, notes and written obligations to pay money, and mortgages, liens, and other evidences of indebtedness. Sections 201.02, 201.07, and 201.08, F.S.

⁴³ FLA. CONST. art. X, s. 28(a).

⁴⁴ FLA. CONST. art. X, s. 28(b)(1).

⁴⁵ FLA. CONST. art. X, s. 28(b)(2).

⁴⁶ Section 375.041(3)(a), F.S.

⁴⁷ Section 375.041(3)(b)1., F.S.

⁴⁸ Section 375.041(3)(b)2., F.S.

⁴⁹ Section 375.041(3)(b)3., F.S.

⁵⁰ Section 375.041(4), F.S.

Effect of the Proposed Changes

The bill amends s. 375.041(4), F.S., to give priority to the acquisition of conservation land interests as set forth in the Florida Forever Act with the funds remaining after the payment of the debt service for Florida Forever bonds and Everglades restoration bonds and the statutory funding allocations for the restoration of the Everglades, springs, and Lake Apopka.

B. SECTION DIRECTORY:

- Section 1.** Amends s. 259.105, F.S., relating to the Florida Forever Act.
- Section 2.** Amends s. 375.041, F.S., relating to the Land Acquisition Trust Fund.
- Section 3.** Amends s. 20.3315, F.S., conforming cross references.
- Section 4.** Amends s. 253.027, F.S., conforming cross references.
- Section 5.** Amends s. 253.034, F.S., conforming cross references.
- Section 6.** Amends s. 259.035, F.S., conforming cross references.
- Section 7.** Amends s. 380.510, F.S., conforming cross references.
- Section 8.** Amends s. 570.715, F.S., conforming cross references.
- Section 9.** Amends s. 589.065, F.S., conforming cross references.
- Section 10.** Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

- 1. Revenues:
None.
- 2. Expenditures:
None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

- 1. Revenues:
None.
- 2. Expenditures:
None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

In March of 2017, the General Revenue Estimating Conference estimated that for the 2017- 2018 Fiscal Year the state would collect a total of \$2.5 billion in documentary stamp taxes. Thus, the state

must deposit \$822 million of those taxes collected into LATF in accordance with article X, section 28 of the Florida Constitution.⁵¹

The bill prioritizes the acquisition of conservation land interests as set forth in the Florida Forever Act with funds remaining after payment of the debt service for Florida Forever bonds and Everglades restoration bonds and payment of funding allocations for the restoration of the Everglades, springs, and Lake Apopka. It does not establish any new funding requirements. As such, the bill does not appear to have a fiscal impact on state or local governments.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not create any new executive branch rulemaking authority nor does it require any additional authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

⁵¹ Office of Economic and Demographic Research, *Revenue Estimating Conference, Documentary Stamp Tax, Executive Summary* (March 17, 2017), available at <http://www.edr.state.fl.us/Content/conferences/docstamp/docstampexecsummary.pdf> (last visited April 18, 2017).