

Committee Substitute for
Committee Substitute for House Bill No. 221

An act relating to Everglades restoration and funding; amending s. 215.22, F.S.; providing that the Save Our Everglades Trust Fund is exempt from certain service charges; amending s. 259.101, F.S.; revising redistribution criteria for unencumbered balances from the Florida Preservation 2000 program; deleting requirements for review and repeal; deleting provision for carryforward of unspent funds; deleting a repealer; amending s. 259.105, F.S.; providing for transfer of funds from the Florida Forever Trust Fund into the Save Our Everglades Trust Fund; amending ss. 259.1051 and 375.045, F.S.; excluding Save Our Everglades Trust Fund distributions from requirement for expenditure within 90 days after transfer; creating s. 373.470, F.S.; creating the “Everglades Restoration Investment Act”; providing definitions; providing legislative intent; providing for a planning process; providing for project implementation reports; providing for the deposit of specified funds into the Save Our Everglades Trust Fund; providing supplemental funds; providing for distributions from the Save Our Everglades Trust Fund; providing credit for acquisitions and work performed; requiring matching funds or credits; providing for an accounting of expenditures; providing for annual progress reports; providing redistribution of funds; providing an appropriation; providing an effective date.

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

Section 1. Paragraph (v) is added to subsection (1) of section 215.22, Florida Statutes, to read:

215.22 Certain income and certain trust funds exempt.—

(1) The following income of a revenue nature or the following trust funds shall be exempt from the deduction required by s. 215.20(1):

(v) The Save Our Everglades Trust Fund.

Section 2. Subsection (3) and paragraphs (f), (g), and (h) of subsection (9) of section 259.101, Florida Statutes, are amended to read:

259.101 Florida Preservation 2000 Act.—

(3) LAND ACQUISITION PROGRAMS SUPPLEMENTED.—Less the costs of issuance, the costs of funding reserve accounts, and other costs with respect to the bonds, the proceeds of bonds issued pursuant to this act shall be deposited into the Florida Preservation 2000 Trust Fund created by s. 375.045. Ten percent of the proceeds of any bonds deposited into the Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the Department of Environmental Protection for the purchase by the South Florida Water Management District of lands in Dade,

Broward, and Palm Beach Counties identified in s. 7, chapter 95-349, Laws of Florida. This distribution shall apply for any bond issue for the 1995-1996 fiscal year. For the 1997-1998 fiscal year only, \$20 million per year from the proceeds of any bonds deposited into the Florida Preservation 2000 Trust Fund shall be distributed by the Department of Environmental Protection to the St. Johns Water Management District for the purchase of lands necessary to restore Lake Apopka. In fiscal year 2000-2001, for each Florida Preservation 2000 program described in paragraphs (a) through (g), that portion of each program's total remaining cash balance which, as of June 30, 2000, is in excess of that program's total remaining appropriation balances shall be redistributed by the department and deposited into the Save Our Everglades Trust Fund for land acquisition. For purposes of calculating the total remaining cash balances for this redistribution, the Florida Preservation 2000 Series 2000 bond proceeds, including interest thereon, and the fiscal year 1999-2000 General Appropriations Act amounts shall be deducted from the remaining cash and appropriation balances, respectively. The remaining proceeds shall be distributed by the Department of Environmental Protection in the following manner:

(a) Fifty percent to the Department of Environmental Protection for the purchase of public lands as described in s. 259.032. Of this 50 percent, at least one-fifth shall be used for the acquisition of coastal lands.

(b) Thirty percent to the Department of Environmental Protection for the purchase of water management lands pursuant to s. 373.59, to be distributed among the water management districts as provided in that section. Funds received by each district may also be used for acquisition of lands necessary to implement surface water improvement and management plans approved in accordance with s. 373.456 or for acquisition of lands necessary to implement the Everglades Construction Project authorized by s. 373.4592.

(c) Ten percent to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the Florida Communities Trust pursuant to part III of chapter 380. From funds allocated to the trust, \$3 million annually shall be used by the Green Swamp Land Authority specifically for the purchase through land protection agreements, as defined in s. 380.0677~~(4)~~⁽⁵⁾, of lands, or severable interests or rights in lands, in the Green Swamp Area of Critical State Concern. From funds allocated to the trust, \$3 million annually shall be used by the Monroe County Comprehensive Plan Land Authority specifically for the purchase of any real property interest in either those lands subject to the Rate of Growth Ordinances adopted by local governments in Monroe County or those lands within the boundary of an approved Conservation and Recreation Lands project located within the Florida Keys or Key West Areas of Critical State Concern; however, title to lands acquired within the boundary of an approved Conservation and Recreation Lands project may, in accordance with an approved joint acquisition agreement, vest in the Board of Trustees of the Internal Improvement Trust Fund. Of the remaining funds allocated to the trust after the above transfers occur, one-half shall be matched by local governments on a dollar-for-dollar basis. To the extent allowed by federal

requirements for the use of bond proceeds, the trust shall expend Preservation 2000 funds to carry out the purposes of part III of chapter 380.

(d) Two and nine-tenths percent to the Department of Environmental Protection for the purchase of inholdings and additions to state parks. For the purposes of this paragraph, "state park" means all real property in the state under the jurisdiction of the Division of Recreation and Parks of the department, or which may come under its jurisdiction.

(e) Two and nine-tenths percent to the Division of Forestry of the Department of Agriculture and Consumer Services to fund the acquisition of state forest inholdings and additions pursuant to s. 589.07.

(f) Two and nine-tenths percent to the Fish and Wildlife Conservation Commission ~~Game and Fresh Water Fish Commission~~ to fund the acquisition of inholdings and additions to lands managed by the commission which are important to the conservation of fish and wildlife.

(g) One and three-tenths percent to the Department of Environmental Protection for the Florida Greenways and Trails Program, to acquire greenways and trails or greenways and trails systems pursuant to chapter 260, including, but not limited to, abandoned railroad rights-of-way and the Florida National Scenic Trail.

Local governments may use federal grants or loans, private donations, or environmental mitigation funds, including environmental mitigation funds required pursuant to s. 338.250, for any part or all of any local match required for the purposes described in this subsection. Bond proceeds allocated pursuant to paragraph (c) may be used to purchase lands on the priority lists developed pursuant to s. 259.035. Title to lands purchased pursuant to paragraphs (a), (d), (e), (f), and (g) shall be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(2)(3), shall be vested in the district where the acquisition project is located. Title to lands purchased pursuant to paragraph (c) may be vested in the Board of Trustees of the Internal Improvement Trust Fund, except that title to lands, or rights or interests therein, acquired by either the Southwest Florida Water Management District or the St. Johns River Water Management District in furtherance of the Green Swamp Land Authority's mission pursuant to s. 380.0677(2)(3), shall be vested in the district where the acquisition project is located. ~~This subsection is repealed effective October 1, 2000. Prior to repeal, the Legislature shall review the provisions scheduled for repeal and shall determine whether to reenact or modify the provisions or to take no action.~~

(9)

~~(f)1. Pursuant to subsection (3) and beginning in fiscal year 1999-2000, that portion of the unencumbered balances of each program described in paragraphs (3)(c), (d), (e), (f), and (g) which has been on deposit in such~~

~~program's Preservation 2000 account for more than 3 fiscal years shall be redistributed equally to the Department of Environmental Protection, Division of State Lands P2000 sub account for the purchase of State Lands as described in s. 259.032 and Water Management District P2000 sub account for the purchase of Water Management Lands pursuant to ss. 373.456, 373.4592 and 373.59. For the purposes of this subsection, the term "unencumbered balances" means the portion of Preservation 2000 bond proceeds which is not obligated through the signing of a purchase contract between a public agency and a private landowner, except that the program described in paragraph (3)(c) may not lose any portion of its unencumbered funds which remain unobligated because of extraordinary circumstances that hampered the affected local governments' abilities to close on land acquisition projects approved through the Florida Communities Trust program. Extraordinary circumstances shall be determined by the Florida Communities Trust governing body and may include such things as death or bankruptcy of the owner of property; a change in the land use designation of the property; natural disasters that affected a local government's ability to consummate the sales contract on such property; or any other condition that the Florida Communities Trust governing board determined to be extraordinary. The portion of the funds redistributed in the Water Management District P2000 sub account shall be distributed to the water management districts as provided in s. 373.59(8).~~

~~(f)2.~~ The department and the water management districts may enter into joint acquisition agreements to jointly fund the purchase of lands using alternatives to fee simple techniques.

~~(g) If the department or any water management district is unable to spend the funds it receives pursuant to paragraph (f) within the same fiscal year, the unspent funds shall be carried forward to the subsequent fiscal year.~~

~~(h) This subsection is repealed July 1 of the year following the final authorization of Preservation 2000 bonds.~~

Section 3. Paragraph (a) of subsection (11) of section 259.105, Florida Statutes, is amended to read:

259.105 The Florida Forever Act.—

(11) For the purposes of funding projects pursuant to paragraph (3)(a), the Secretary of Environmental Protection shall ensure that each water management district receives the following percentage of funds annually:

(a) Thirty-five percent to the South Florida Water Management District, of which amount \$25 million shall be transferred by the Department of Environmental Protection into the Save Our Everglades Trust Fund.

Section 4. Subsection (2) of section 259.1051, Florida Statutes, is amended to read:

259.1051 Florida Forever Trust Fund.—

(2) The Department of Environmental Protection shall distribute revenues from the Florida Forever Trust Fund only to programs of state agencies or local governments as set out in s. 259.105(3). Excluding distributions to the Save Our Everglades Trust Fund, the distributions shall be spent by the recipient within 90 days after the date on which the Department of Environmental Protection initiates the transfer.

Section 5. Section 373.470, Florida Statutes, is created to read:

373.470 Everglades restoration.—

(1) SHORT TITLE.—This section may be cited as the “Everglades Restoration Investment Act.”

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

(a) “Comprehensive plan” means the recommended comprehensive plan contained within the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999” and submitted to Congress on July 1, 1999.

(b) “Corps” means the United States Army Corps of Engineers.

(c) “District” means the South Florida Water Management District.

(d) “Project” means the Central and Southern Florida Project authorized under the heading “CENTRAL AND SOUTHERN FLORIDA” in section 203 of the Flood Control Act of 1948 (62 Stat. 1176), and any modification to the project authorized by law.

(e) “Project component” means any structural or operational change, resulting from the comprehensive plan, to the project as it existed and was operated as of January 1, 1999.

(f) “Project implementation report” means the project implementation report as described in the “Final Integrated Feasibility Report and Programmatic Environmental Impact Statement, April 1999” and submitted to Congress on July 1, 1999.

(3) FURTHER ANALYSIS; AGREEMENTS FOR PROJECT COMPONENTS AND ALLOCATION OF PROJECT BENEFITS.—

(a) The Legislature intends to establish a full and equal partnership between the state and federal governments for the implementation of the comprehensive plan.

(b) The comprehensive plan shall be used as a guide and framework for a continuing planning process to:

1. Reflect new scientific knowledge, the results of pilot projects, and the results of new and continuing feasibility studies with the Corps; and

2. Ensure that project components will be implemented to achieve the purposes provided in the Federal Water Resource Development Act of 1996

that include restoring, preserving, and protecting the South Florida ecosystem, providing for the protection of water quality in and the reduction of the loss of fresh water from the Everglades, and providing such features as are necessary to meet the other water-related needs of the region, including flood control, the enhancement of water supplies, and other objectives served by the project.

(c) Prior to executing a project cooperation agreement with the Corps for the construction of a project component, the district, in cooperation with the Corps, shall complete a project implementation report to address the project component's economic and environmental benefits, engineering feasibility, and other factors provided in s. 373.1501 sufficient to allow the district to obtain approval under s. 373.026. Each project implementation report shall also identify the increase in water supplies resulting from the project component. The additional water supply shall be allocated or reserved by the district under chapter 373.

(4) SAVE OUR EVERGLADES TRUST FUND; FUNDS AUTHORIZED FOR DEPOSIT.—The following funds may be deposited into the Save Our Everglades Trust Fund created by s. 373.472 to finance implementation of the comprehensive plan:

(a) In fiscal year 2000-2001, funds described in s. 259.101(3).

(b) Funds described in subsection (5).

(c) Federal funds appropriated by Congress for implementation of the comprehensive plan.

(d) Any additional funds appropriated by the Legislature for the purpose of implementing the comprehensive plan.

(e) Gifts designated for implementation of the comprehensive plan from individuals, corporations, or other entities.

(5) SAVE OUR EVERGLADES TRUST FUND SUPPLEMENTED.—

(a)1. For fiscal year 2000-2001, \$50 million of state funds shall be deposited into the Save Our Everglades Trust Fund created by s. 373.472.

2. For each year of the 9 consecutive years beginning with fiscal year 2001-2002, \$75 million of state funds shall be deposited into the Save Our Everglades Trust Fund created by s. 373.472.

(b) For each year of the 10 consecutive years beginning with fiscal year 2000-2001, the department shall deposit \$25 million of the funds allocated to the district by the department under s. 259.105(11)(a) into the Save Our Everglades Trust Fund created by s. 373.472.

(6) DISTRIBUTIONS FROM SAVE OUR EVERGLADES TRUST FUND.—The department shall distribute funds in the Save Our Everglades Trust Fund to the district in accordance with a legislative appropriation and s. 373.026(8)(b) and (c). Distribution of funds from the Save Our Everglades Trust Fund shall be equally matched by the cumulative contributions from

all local sponsors by fiscal year 2009-2010 by providing funding or credits toward project components. The dollar value of in-kind work by local sponsors in furtherance of the comprehensive plan and existing interest in public lands needed for a project component are credits towards the local sponsors' contributions.

(7) ANNUAL REPORT.—To provide enhanced oversight of and accountability for the financial commitments established under this section and the progress made in the implementation of the comprehensive plan, the following information must be prepared annually:

(a) The district, in cooperation with the department, shall provide the following information as it relates to implementation of the comprehensive plan:

1. An identification of funds, by source and amount, received by the state and by each local sponsor during the fiscal year.
2. An itemization of expenditures, by source and amount, made by the state and by each local sponsor during the fiscal year.
3. A description of the purpose for which the funds were expended.
4. The unencumbered balance of funds remaining in trust funds or other accounts designated for implementation of the comprehensive plan.
5. A schedule of anticipated expenditures for the next fiscal year.

(b) The department shall prepare a detailed report on all funds expended by the state and credited toward the state's share of funding for implementation of the comprehensive plan. The report shall include:

1. A description of all expenditures, by source and amount, from the Conservation and Recreation Lands Trust Fund, the Land Acquisition Trust Fund, the Preservation 2000 Trust Fund, the Florida Forever Trust Fund, the Save Our Everglades Trust Fund, and other named funds or accounts for the acquisition or construction of project components or other features or facilities that benefit the comprehensive plan.
2. A description of the purposes for which the funds were expended.
3. The unencumbered fiscal-year-end balance that remains in each trust fund or account identified in subparagraph 1.

(c) The district, in cooperation with the department, shall provide a detailed report on progress made in the implementation of the comprehensive plan, including the status of all project components initiated after the effective date of this act or the date of the last report prepared under this subsection, whichever is later.

The information required in paragraphs (a), (b), and (c) shall be provided annually in a single report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, and copies of the report must

be made available to the public. The initial report is due by November 30, 2000, and each annual report thereafter is due by November 30.

Section 6. Subsection (2) of section 375.045, Florida Statutes, is amended to read:

375.045 Florida Preservation 2000 Trust Fund.—

(2) The Department of Environmental Protection shall distribute revenues from the Florida Preservation 2000 Trust Fund only to programs of state agencies or local governments as set out in s. 259.101(3). Excluding distributions to the Save Our Everglades Trust Fund, such distributions shall be spent by the recipient within 90 days after the date on which the Department of Environmental Protection initiates the transfer.

Section 7. There is hereby appropriated \$50 million from the General Revenue Fund for fiscal year 2000-2001 to the Save Our Everglades Trust Fund for the purposes of this act.

Section 8. For fiscal year 2000-2001, the Department of Environmental Protection may seek approval pursuant to sections 216.177 and 216.181, Florida Statutes, for additional spending authority from available surpluses in department trust funds for transfer to the Save Our Everglades Trust Fund.

Section 9. This act shall take effect June 30, 2000.

Approved by the Governor May 16, 2000.

Filed in Office Secretary of State May 16, 2000.