

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1291 Implementation of Water and Land Conservation Constitutional Amendment

**SPONSOR(S):** Boyd

**TIED BILLS:** HB 1293, HB 1295 **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Agriculture & Natural Resources Appropriations Subcommittee	13 Y, 0 N	Massengale	Massengale
2) Appropriations Committee		Massengale	Leznoff

### SUMMARY ANALYSIS

HB 1291 implements the recent constitutional initiative approved by the voters relating to water and land conservation. The amendment requires that 33 percent of documentary stamp taxes collected be distributed to the Land Acquisition Trust Fund (LATF) and prohibits funds from the LATF from being used for other than a specified list of purposes and prohibits the comingling of LATF with the General Revenue Fund. The bill:

- Revises documentary stamp tax distribution to reflect the required 33 percent distribution to the Land Acquisition Trust Fund:
  - Eliminates the distribution to various trust funds currently receiving documentary stamp tax distributions, including Ecosystem Management and Restoration Trust Fund, Water Management Lands Trust Fund, Conservation and Recreation Lands (CARL) Trust Fund, General Inspection Trust Fund, Invasive Plant Control Trust Fund, State Game Trust Fund, and Water Quality Assurance Trust Fund.
  - Maintains current documentary stamp tax distributions to State Economic Enhancement and Development Trust Fund, State Transportation Trust Fund, and state and local housing trust funds.
  - Reduces documentary stamp tax distribution to the General Revenue Fund.
- Terminates the following trust funds: Department of Environmental Protection's (DEP) Florida Communities Trust Fund, CARL Trust Fund, Ecosystem Management and Restoration Trust Fund, Florida Preservation 2000 Trust Fund, Water Management Lands Trust Fund, and Department of Agriculture and Consumer Services' (DACS) and Fish and Wildlife Conservation Commission's (FWC) Conservation and Recreation Lands Program Trust Funds; provides for the disposition of the cash balances of the terminated funds.
- Provides transparency and accountability relating to expenditure of LATF funds by creating a mechanism by which only LATF documentary stamp tax revenues are appropriated in the LATF;
- Specifies that DEP will transfer cash to other agencies' LATFs by nonoperating authority to fund appropriations in the annual General Appropriations Act.
- Specifies that any transferred moneys available from reversions or reductions of budget authority in the other agencies must be transferred back to the LATF in the DEP within 15 days after such reversion or reduction and be available for future appropriation pursuant to Art. X, s. 28 of the State Constitution.
- Revises the disposition of revenue from sale or other disposition of lands; forfeited property; fines and penalties; donations; sale of products; and operation, management or lease of conservation lands and facilities on those lands
- Requires that interest earned on invested LATF accrue to the General Revenue Fund.
- Deletes phosphate rock severance tax distribution to the CARL Trust Fund and redistributes pro rata share to remaining recipients.
- Revises all environmental bonding provisions to comply with constitutional amendment and repeals all obsolete bonding provisions (CARL, Save Our Coasts, and Florida Preservation 2000).
- Revises DEP's and FWC's Land Acquisition Trust Funds to comply with constitutional amendment.
- Corrects cross references and conforms provisions to changes made by the act.

The bill has a significant fiscal impact on state and local governments, but no fiscal impact on the private sector (see Fiscal Analysis and Economic Impact Statement section for more detail).

**FULL ANALYSIS**  
**I. SUBSTANTIVE ANALYSIS**

**A. EFFECT OF PROPOSED CHANGES:**

**Constitutional Amendment**

On November 4, 2014, an initiative petition relating to water and land conservation<sup>1</sup> was approved by the voters. The provision added a new section 28 to Article X of the Florida Constitution to read as follows:<sup>2</sup>

**SECTION 28. Land Acquisition Trust Fund.—**

a) Effective on July 1 of the year following passage of this amendment by the voters, and for a period of 20 years after that effective date, the Land Acquisition Trust Fund shall receive no less than 33 percent of net revenues derived from the existing excise tax on documents, as defined in the statutes in effect on January 1, 2012, as amended from time to time, or any successor or replacement tax, after the Department of Revenue first deducts a service charge to pay the costs of the collection and enforcement of the excise tax on documents.

b) Funds in the Land Acquisition Trust Fund shall be expended only for the following purposes:

1) As provided by law, 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; wildlife management areas; 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, as defined in Article II, Section 7(b); 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.

2) To pay the debt service on bonds issued pursuant to Article VII, Section 11(e).

c) The moneys deposited into the Land Acquisition Trust Fund, as defined by the statutes in effect on January 1, 2012, shall not be or become commingled with the General Revenue Fund of the state.

**Documentary Stamp Tax**

*Current Situation*

In chapter 201, Florida Statutes, 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.<sup>3</sup> Deeds and other documents granting, assigning, or transferring ownership (including fractional ownership) of real property are taxed at a rate of \$0.70 per \$100 or fractional part of \$100 of consideration (\$0.60 per \$100 consideration in Miami-Dade County), and \$0.35 per \$100 or fractional part of \$100 of consideration for other types of documents.<sup>4</sup> There is a cap of \$2,450 on the total amount of documentary stamp taxes that may be assessed on promissory notes, nonnegotiable notes, or assignments of compensation.

<sup>1</sup> The initiative was sponsored by a political committee called Florida's Water and Land Legacy, Inc. See, <http://election.dos.state.fl.us/initiatives/initdetail.asp?account=59894&seqnum=1>

<sup>2</sup> The ballot title read: "Water and Land Conservation - Dedicates funds to acquire and restore Florida." The ballot summary read as follows:  
Funds the Land Acquisition Trust Fund to acquire, restore, improve, and manage conservation lands including wetlands and forests; fish and wildlife habitat; lands protecting water resources and drinking water sources, including the Everglades, and the water quality of rivers, lakes, and streams; beaches and shores; outdoor recreational lands; working farms and ranches; and historic or geologic sites, by dedicating 33 percent of net revenues from the existing excise tax on documents for 20 years.

<sup>3</sup> Sections 201.02, 201.07, and 201.208, F.S.

<sup>4</sup> Miami-Dade County currently levies a documentary stamp surtax on certain types of documents, ch. 83-220, L.O.F., as amended.

Current law provides for the distribution of documentary stamp taxes to a wide variety of trust funds. A significant portion of the collections is also deposited into the General Revenue Fund. The trust funds that receive documentary stamp tax distributions are used to fund land and water conservation, preservation, and maintenance; economic development; housing; and transportation programs.<sup>5</sup>

Under section 201.15, F.S., documentary stamp taxes are distributed as follows:

- Of total collections, 8 percent is distributed to the General Revenue Fund as a service charge per s. 215.20(1), F.S.
- The Department of Revenue (DOR) deducts amounts necessary to pay for collection and enforcement of the tax, about \$9.8 million per year.

Of the taxes remaining after the deduction of the above, 63.31 percent is distributed as follows:

- Amounts necessary to pay debt service on Florida Preservation 2000 (now retired), Florida Forever (to the Land Acquisition Trust Fund), and Everglades Restoration (to the Save Our Everglades Trust Fund) bonds.
- The remainder of the 63.31 percent share is distributed as follows:
  - State Transportation Trust Fund—the lesser of 38.2 percent or \$541.75 million, of which the first \$75 million is transferred to the State Economic Enhancement and Development Trust Fund.
  - Grants and Donations Trust Fund of Department of Economic Opportunity—the lesser of 0.23 percent or \$3.25 million.
  - Ecosystem Management and Restoration Trust Fund—the lesser of 2.12 percent or \$30 million.
  - General Inspection Trust Fund—the lesser of 0.02 percent or \$300,000.
  - General Revenue Fund—After all of the above distributions, the remainder of the 63.31 percent portion is distributed to the General Revenue Fund.

Further distributions of taxes remaining after deduction of the general revenue service charge and collection and enforcement costs are as follows:

- Land Acquisition Trust Fund—the lesser of 7.56 percent or \$84.9 million, of which \$6.3 million is transferred to the General Revenue Fund.
- Land Acquisition Trust Fund for the payment of debt service on coastal land acquisition (bonds now retired)—the lesser of 1.94 percent or \$26 million, \$11 million of which is transferred to the General Revenue Fund.
- Water Management Lands Trust Fund—the lesser of 4.2 percent or \$60.5 million.
- Conservation and Recreation Lands Trust Fund—3.52 percent, of which 11.15 percent is transferred to the State Game Trust Fund.
- Invasive Plant Control Trust Fund—the lesser of 2.28 percent or \$34.1 million.
- State Game Trust Fund—the lesser of 0.5 percent or \$9.3 million.
- Water Quality Assurance Trust Fund—0.5 percent.
- General Inspection Trust Fund—0.5 percent.
- State Housing Trust Fund—7.53 percent, of which the first \$35 million is transferred to the State Economic Enhancement and Development Trust Fund. Half of the remainder is transferred to the Local Government Housing Trust Fund.
- State Housing Trust Fund—8.66 percent, of which the first \$40 million is transferred to the State Economic Enhancement and Development Trust Fund, and 87.5 percent of the remainder is transferred to the Local Government Housing Trust Fund.
- Any remaining taxes are distributed to the General Revenue Fund.

The above statutory distribution formula resulted in the following distribution of tax revenue in Fiscal Year 2013-2014:

<b>Fund</b>	<b>Distribution Amount (millions of dollars)<sup>6</sup></b>	<b>Percent</b>
General Revenue (including service charge)	\$742.5	41.1%
Department of Revenue	\$9.8	0.5%
Florida Forever & Everglades Restoration Debt Service	\$170.8	9.4%
State Transportation TF	\$270.2	14.9%
DEO Grants & Donations TF	\$2.0	0.1%
Ecosystem Management & Restoration TF	\$18.6	1.0%
General Inspection TF	\$4.3	0.2%
Land Acquisition TF	\$94.8	5.2%
Water Management Lands TF	\$61.2	3.4%
Conservation & Recreation Lands TF	\$51.8	2.9%
Invasive Plant Control TF	\$34.5	1.9%
State Game TF	\$14.8	0.8%
Water Quality Assurance TF	\$4.1	0.2%
State Housing TF	\$57.8	3.2%
Local Government Housing TF	\$135.3	7.5%
State Economic Enhancement & Development TF	\$140.0	7.7%
<b>Total</b>	<b>\$1,812.5</b>	<b>100%</b>

In the event that the 63.31 percent share of taxes described above is insufficient to pay required debt service on Florida Forever and Save Our Everglades bonds, all of the other documentary stamp tax revenues are available to make bond payments, except for revenues that have been bonded under other programs.<sup>7</sup> This additional coverage is expressed statutorily as a secondary pledge, after exhaustion of the 63.31 percent distribution.

The state's capacity to issue debt under the Florida Forever and Save Our Everglades programs is limited by the 63.31 percent of revenue remaining after deduction of the general revenue service charge and DOR costs. Furthermore, issuance of additional debt must meet the "additional bonds test." The additional bonds test compares the revenues that may be pledged for debt service (in this case the 63.31 percent) with the total debt service of any new debt combined with that for existing bonds. These requirements are set forth in bond issuance agreements. Current bonding agreements state that new bonds may not be issued if available revenues are less than 150 percent of debt service for all bonds, including any newly issued ones.

<sup>6</sup> Revenue Estimating Conference, General Revenue Fund, March 10, 2015.

<sup>7</sup> s. 201.15(16), F.S.

### *Effect of Proposed Changes*

HB 1291 amends s. 201.15, F.S., to change the distribution of documentary stamp taxes. Under the bill, 33 percent of the documentary stamp taxes (after deduction of DOR collection and enforcement costs) will be deposited into the Land Acquisition Trust Fund. Amounts required for debt service under Florida Forever and Save Our Everglades are included in this amount.

Current distributions to the State Economic Enhancement and Development (SEED) Trust Fund, State Transportation Trust Fund, Grants and Donation Trust Fund in the Department of Economic Opportunity, State Housing Trust Fund,<sup>8</sup> Local Housing Trust Fund, and to the General Inspection Trust Fund relating to oyster restoration and management are not affected. To achieve the same distribution to the above trust funds as under current law, the bill defines two amounts—the “unadjusted remainder” and the “adjusted remainder”—against which statutory distribution percentages are applied. The “unadjusted remainder” is defined as the total amount of documentary stamp taxes collected after first deducting the 8 percent general revenue service charge and the DOR’s collection and enforcement costs. It is used to calculate distributions to the State Housing Trust Fund, Local Housing Trust Fund, and part of the distribution to the SEED Trust Fund. The “adjusted remainder” is defined as the unadjusted remainder multiplied by 63.31 percent then reduced by the amount necessary to pay debt service on Florida Forever and Save Our Everglades bonds. It is used to calculate distributions to the Grants and Donations Trust Fund, State Transportation Trust Fund, General Inspection Trust Fund, and part of the distribution to the SEED Trust Fund.

Documentary stamp tax distributions to the following trust funds will be eliminated:

1. Ecosystem Management and Restoration Trust Fund.
2. Water Management Lands Trust Fund.
3. Conservation and Recreation Lands Trust Fund.
4. General Inspection Trust Fund relating to water quality impacts associated with agricultural nonpoint sources.<sup>9</sup>
5. Invasive Plant Control Trust Fund.<sup>10</sup>
6. State Game Trust Fund.<sup>11</sup>
7. Water Quality Assurance Trust Fund.

The bill specifies that the general revenue service charge pursuant to s. 215.20(1), F.S., must apply to all documentary stamp tax revenues, except for the 33 percent distributed to the Land Acquisition Trust Fund.

Additionally, prior to any other distributions or uses, the bill makes 100 percent of collections available to pay debt service on Florida Forever, Save Our Everglades, and any other bonds issued on parity with those bonds. However, the bill also amends ss. 215.618 and 215.619, F.S., to state that only 58.25 percent of documentary stamp tax collections shall be considered when evaluating whether additional bonding capacity is available under the additional bonds test. The effect is that, while additional revenues are given first priority to pay debt service on bonds if needed, the state’s capacity to issue bonds is not increased.

The bill repeals s. 403.8911, F.S., relating to annual appropriations of funds paid into the Water Protection and Sustainability Program Trust Fund pursuant to s. 201.15, F.S., the documentary stamp

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<sup>8</sup> The transfer of funds from the State Transportation Trust Fund (STTF) to the Economic Enhancement and Development Trust Fund and the specified purposes of the use of the funds from the STTF are unaltered by the bill. See s. 201.15(1)(d), F.S., as amended by the bill.

<sup>9</sup> Pursuant to s. 570.20, F.S., “[a]ll donations and all inspection fees and other funds authorized and received from whatever source in the enforcement of the inspection laws administered by the department shall be paid into the General Inspection Trust Fund of Florida, which is created in the office of the Chief Financial Officer. All expenses incurred in carrying out the provisions of the inspection laws shall be paid from this fund as other funds are paid from the State Treasury.”

<sup>10</sup> The Invasive Plant Control Trust Fund is created pursuant to s. 379.214, F.S., in the Fish and Wildlife Conservation Commission.

<sup>11</sup> Pursuant to s. 379.211, F.S., the purpose of the State Game Trust Fund within the Fish and Wildlife Conservation Commission is as follows:  
[F]unds resulting from the operation of the commission and from the administration of the laws and regulations pertaining to birds, game, fur-bearing animals, freshwater fish, reptiles, and amphibians, together with any other funds specifically provided for such purposes shall constitute the State Game Trust Fund and shall be used by the commission as it shall deem fit in carrying out the provisions hereof and for no other purposes, except that annual use fees deposited into the trust fund from the sale of the Largemouth Bass license plate may be expended for the purposes provided under s. 320.08058(17).

tax statute. There are no current distributions from s. 201.15, F.S., into the Water Protection and Sustainability Program Trust Fund.<sup>12</sup> The bill also amends ss. 201.0205, 215.618, 215.619, 259.1051, 339.0801(4), 339.55(9), 341.303(5), 343.58(4), 369.252, 379.214, 420.5092, and 420.9073, F.S., to conform cross references to the changes made to s. 201.15, F.S.

### Phosphate Rock Severance Tax

Section 211.3103, F.S., levies an excise tax upon each person engaging in the business of severing phosphate rock from the soils or waters of the state for commercial use. Currently, a portion of this tax is deposited into the Conservation and Recreation Lands Trust Fund. As discussed further below, this trust fund is terminated by this bill. HB 1291 redistributes the phosphate rock severance tax on a pro-rata basis as follows:

	Distribution Prior to January 1, 2015	Current distribution January 1, 2015– December 31, 2022	Bill distribution January 1, 2015– December 31, 2022	Bill distribution Beginning January 1, 2023
Conservation and Recreation Lands Trust Fund	25.5%	22.8%	0%	0%
General Revenue Fund	35.7%	31.9%	41.3%	47.9%
Counties in proportion to number of tons of phosphate rock produced	12.8%	11.5%	14.9%	17.2%
Counties designated as rural area of opportunity	10.0%	8.9%	11.5%	13.4%
Nonmandatory Land Reclamation Trust Fund	6.2%	16.1%	20.9%	8.3%
Phosphate Research Trust Fund	6.2%	5.6%	7.3%	8.3%
Minerals Trust Fund	3.6%	3.2%	4.1%	4.9%

### Land Acquisition Trust Fund

Since 1963 there have been a series of land acquisition programs authorized by statute. These include Outdoor Recreation and Conservation (1963), Environmentally Endangered Lands (1972), Conservation and Recreation Lands (1979), Save Our Rivers (1981), Save Our Coasts (1981), Florida Communities Trust (1989), Florida Preservation 2000 (1990), and Florida Forever (2000).

Pursuant to s. 253.03, F.S., with certain exceptions, the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees)<sup>13</sup> of the state is “vested and charged with the acquisition, administration, management, control, supervision, conservation, protection, and disposition of all lands owned by, or which may hereafter inure to, the state or any of its agencies, departments, boards, or commissions.” The procedures for state land acquisitions, titles to which will vest in the Board of Trustees, are provided in chapters 253 and 259, F.S. The Department of Environmental Protection (DEP) serves as staff to the Board of Trustees.

Pursuant to s. 259.035, F.S., the Acquisition and Restoration Council (ARC) is responsible for evaluating, selecting and ranking state land acquisition projects for submission to the Board of Trustees for approval. The ARC comprises ten voting members, four of whom are appointed by the Governor.

<sup>12</sup> The distribution was repealed in ch. 2009-68, L.O.F.

<sup>13</sup> The Board comprises the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, FLA. CONST. art. IV, s. 4(f).

Section 375.041, F.S., creates the Land Acquisition Trust Fund within the DEP to facilitate and expedite the acquisition of land, water areas, and related resources. Revenue sources consist of documentary stamp tax revenue distributed pursuant to 201.15, F.S.; revenue from the operation, management, sale, lease, or other disposition of land, water areas, related resources, and the facilities acquired or constructed on these lands; and interest earnings on investments.

HB 1291 amends s. 375.041, F.S. to remove language providing for uses and purposes of the Land Acquisition Trust Fund and to specify that the trust fund is created to implement the provisions prescribed in Art. X, s. 28 of the State Constitution. The bill specifies that the Land Acquisition Trust Fund will continue for as long as bonds are outstanding pursuant to ss. 215.618 or 215.619, or any bonds issued on a parity basis with such bonds, or until the requirements of Art. X, s. 28 of the State Constitution expire, whichever is later.

Pursuant to the provisions of the bill, the only funds deposited into the Land Acquisition Trust Fund will be documentary stamp tax revenue distributed to the trust fund pursuant to s. 201.15, F.S., and proceeds from the sale of surplus conservation lands purchased on or after July 1, 2015. All other revenue currently being deposited into the Land Acquisition Trust Fund will be deposited into a different trust fund. Cash will be transferred by way of nonoperating budget authority to the existing LATF in the Fish and Wildlife Conservation Commission and to newly created Land Acquisition Trust Funds in the Department of State and Department of Agriculture and Consumer Services to support annual appropriations from these trust funds. The funds transferred from the DEP Land Acquisition Trust Fund will be the only source of revenue for the Land Acquisition Trust Fund of these other agencies. Because funds from other sources will not be deposited (and commingled) into these trust funds, interested parties will be able to track expenditures made from the required percentage of documentary stamp tax revenue to insure that these expenditures comply with the new constitutional requirements regarding the use of these funds.

The bill requires moneys from the Land Acquisition Trust Fund to be allocated as follows:

1. The amounts necessary to pay debt service or to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued under s. 215.618, F.S., and Everglades restoration bonds issued under s. 215.619, F.S.
2. The amount necessary to pay debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns Water Management District, or necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This provision expires July 1, 2016.
3. Thirty-two million dollars to be distributed to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2), F.S. This provision expires July 1, 2024.
4. Any remaining funds to be provided in accordance with the General Appropriations Act.

The bill requires DEP to transfer funds from the LATF to other trust funds for the purposes listed above pursuant to nonoperating budget authority as provided in s. 216.181(12), F.S. Any transferred moneys available from reversions or reductions of budget authority in the other agencies must be transferred back to the LATF in the DEP within 15 days after such reversion or reduction and be available for future appropriation pursuant to Art. X, s. 28 of the State Constitution.

In order to adhere to the constitutional amendment's requirement that the LATF only be used for certain purposes and in order to redirect revenue sources other than documentary stamp tax to other trust funds, the bill makes the following changes to funding sources, uses and purposes of the LATF:

1. Section 253.03, F.S., currently requires the Board of Trustees of the Internal Improvement Trust Fund to administer all real property forfeited to the state and provides that funds from the Internal Improvement Trust Fund may be used to satisfy encumbrances on the property. If forfeited property receipts are not sufficient to fund encumbrances or expenses, funds from the Land Acquisition Trust Fund, may be used. HB 1291 removes that reference to the Land Acquisition Trust Fund and provides that another appropriate trust fund may be used.

2. Section 253.034, F.S., currently provides that lands listed as projects for acquisition may be managed for conservation on an interim basis by a private party in anticipation of a state purchase using no more than 5 percent of the funds allocated from the Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund. HB 1291 amends this section to designate the Land Acquisition Trust Fund as the funding source and specifies that no more than \$6.2 million from this trust fund may be expended for this purpose. The bill makes an identical change to language in s. 259.105, F.S., relating to the Florida Forever Act.
3. The bill amends s. 258.435, F.S., which currently specifies that gifts and donations received by the DEP for the administration and maintenance of aquatic preserves and their associated uplands must be deposited into the Land Acquisition Trust Fund, to provide for the deposit of such funds into the Grants and Donations Trust Fund.
4. The bill amends s. 253.7824, F.S., which currently provides that the Department of Environmental Protection may authorize the removal and sale of products from the land where environmentally appropriate, to require that the proceeds be deposited into Internal Improvement Trust Fund rather than the Land Acquisition Trust Fund.
5. The bill amends s. 259.032, F.S., which currently requires that all revenues generated through multiple-use management or compatible secondary-use management must be segregated in an agency trust fund that is used for land management, to require these revenues to be deposited into a fund used for land management other than the Land Acquisition Trust Fund.
6. The bill amends s. 369.252(4), F.S., which currently specifies that a minimum of 20 percent of the amount credited to the Invasive Plant Control Trust Fund through the documentary stamp tax distribution must be used for the purpose of controlling nonnative, upland, invasive plant species on public lands. The bill eliminates the referenced documentary stamp tax distribution to the Invasive Plant Control Trust Fund and specifies that a minimum of 20 percent of the amount transferred from the Land Acquisition Trust Fund to the Invasive Plant Control Trust Fund must be used for controlling nonnative, upland, invasive plant species on public lands.
7. The bill amends s. 375.041, F.S., to specify that revenue from the sale or other disposition of land purchased before July 1, 2015, will be deposited into the Florida Forever Trust Fund. Revenue from the operation, management, or lease of land, water areas, related resources, and the facilities thereon acquired or constructed under the act will be deposited into the Internal Improvement Trust Fund.
8. The bill amends s. 375.044, F.S., relating to Land Acquisition Trust Fund budget requests to remove the requirement that the legislative budget request include information regarding the issuance of Save Our Coasts bonds, which have been retired.
9. The bill amends s. 375.075, F.S., which authorizes DEP to establish the Florida Recreation Development Assistance Program to provide grants to qualified local governmental entities to acquire or develop land for public outdoor recreation purposes. The bill removes references to the Land Acquisition Trust Fund and the Florida Forever Trust Fund being used for this purpose and provides that the grants will be subject to legislative appropriation.
10. The bill amends s. 403.93345, F.S., to add lands and interests acquired with funds deposited into the Land Acquisition Trust Fund pursuant to Art. X, s. 28 of the State Constitution to the definition of public lands that have been set aside for conservation or preservation.
11. The bill amends s. 895.09, F.S., relating to the disposition of funds obtained through forfeiture proceedings to remove a reference to the Land Acquisition Trust Fund.

*Land Acquisition Trust Fund—Fish and Wildlife Conservation Commission*

Section 379.212, F.S., establishes the Land Acquisition Trust Fund in the Fish and Wildlife Conservation Commission (FWC) for the purpose of acquiring, assisting other agencies or local



governments in acquiring or managing lands important to the conservation of fish and wildlife. Revenue sources of the trust fund include donations, grants, development of regional impact wildlife mitigation contributions, and legislative appropriations.

HB 1291 amends this section to specify that the trust fund is established to implement the provisions prescribed in Art. X, s. 28 of the Florida Constitution. The bill specifies that the trust fund may be credited with funds transferred from the LATF within the DEP, and that the FWC must maintain the integrity of moneys transferred from DEP's Land Acquisition Trust Fund. Any transferred moneys available from reversions or reductions in budget authority will be transferred back to the LATF in the DEP within 15 days after such reversions or reductions.

The bill also amends s. 379.206, F.S., relating to the Grants and Donations Trust Fund of the Fish and Wildlife Conservation Commission to specify that funds related to the development of regional impact wildlife mitigation contributions will be deposited in this trust fund rather than the FWC's Land Acquisition Trust Fund.

#### *Land Acquisition Trust Fund—Department of Agriculture and Consumer Services*

HB 1295, a bill that is a companion bill to this bill, will create a Land Acquisition Trust Fund in the Department of Agriculture and Consumer Services to receive transfers of funds from DEP's Land Acquisition Trust Fund.

#### *Land Acquisition Trust Fund—Department of State*

HB 1293, a bill that is a companion bill to this bill, creates a Land Acquisition Trust Fund in the Department of State to receive transfers of funds from DEP's Land Acquisition Trust Fund.

HB 1291 amends s. 17.61, F.S., to require that interest derived from the investment of Land Acquisition Trust Funds of the Department of Environmental Protection, the Department of Agriculture and Consumer Services, the Fish and Wildlife Conservation Commission, and the Department of State will accrue to the General Revenue Fund.

#### *Surplus Lands*

Currently, section 253.034, F.S., requires that the Board of Trustees of the Internal Improvement Trust Fund must determine which conservation and nonconservation lands may be surplus. The proceeds from the sale of surplus lands are deposited into the fund from which the lands were acquired.

HB 1291 amends s. 253.034, F.S., to specify that proceeds from the sale of any surplus conservation lands purchased before July 1, 2015, will be deposited into the Florida Forever Trust Fund and proceeds from the sale of any surplus conservation lands purchased after that date shall be deposited into the Land Acquisition Trust Fund or the trust fund from which the lands were purchased if required by bond covenant. The bill also amends s. 375.041, F.S., to specify that all proceeds from the sale or other disposition of lands or water storage areas pursuant to that section must be deposited into the appropriate trust fund based on the date of sale as described in s. 253.034, F.S. The bill amends s. 259.101, F.S., relating to the Florida Preservation 2000 Act to specify that revenue derived from the disposal of lands acquired with Florida Preservation 2000 funds must be deposited into the Florida Forever Trust Fund.

#### **Florida Forever**

Section 259.105, F.S., creates the Florida Forever Act. The Florida Forever Program was enacted by the 1999 Legislature as a successor program to Florida Preservation 2000, a land acquisition program designed to protect, conserve, and preserve environmentally sensitive lands. Section 201.15(11), F.S., states that "[t]he Legislature intends that the Florida Forever program supplant the acquisition programs formerly authorized under ss. 259.032 and 373.59 [Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund]." The Florida Forever Program may be funded through cash transfers from the General Revenue Fund or other trust funds and the sale of bonds. Proceeds of bonds issued are deposited into the Florida Forever Trust Fund created pursuant to s. 259.1051, F.S.

The bonds are repaid through the appropriation of debt service supported by documentary stamp tax revenue into the Land Acquisition Trust Fund.

Section 259.105(3), F.S., provides for the distribution of cash payments or bond proceeds to the Department of Environmental Protection, to water management districts, to the Fish and Wildlife Conservation Commission, and to the Department of Agriculture and Consumer Services for specified purposes.<sup>14</sup> This section also provides specific evaluation criteria and performance measures that acquisitions or projects are required to meet. HB 1291 retains the current fund distribution list and removes language that provides for a different distribution of funds for the 2014-2015 fiscal year because that language will be obsolete.

### **Other Environmental Trust Funds**

HB 1291 terminates the following trust funds which will no longer receive documentary stamp tax revenue or are otherwise obsolete; the trust funds will be discussed in more detail below:

1. Department of Environmental Protection—
  - a. Florida Communities Trust Fund.<sup>15</sup>
  - b. Conservation and Recreation Lands Trust Fund.<sup>16</sup>
  - c. Ecosystem Management and Restoration Trust Fund.<sup>17</sup>
  - d. Florida Preservation 2000 Trust Fund.<sup>18</sup>
  - e. Water Management Lands Trust Fund.<sup>19</sup>
2. Department of Agriculture and Consumer Services—Conservation and Recreation Lands Program Trust Fund.<sup>20</sup>
3. Fish and Wildlife Conservation Commission—Conservation and Recreation Lands Program Trust Fund.<sup>21</sup>

#### *Florida Communities Trust Fund*

Part III of chapter 380, F.S., creates the Florida Communities Trust Act. The Florida Communities Trust is created in s. 380.504, F.S., as a state land acquisition grant program that provides funding to local governments and eligible non-profit environmental organizations for acquisition of community based parks, open space, and greenways that further outdoor recreation and natural resource protection needs identified in local government comprehensive plans. The trust governing board consists of the Secretary of the DEP and four members appointed by the Governor. The trust is organizationally housed within DEP.

The Florida Communities Trust Fund<sup>22</sup> within the DEP is used to fund the activities of the Florida Communities Trust. The revenue in the Florida Communities Trust Fund comes from distributions from the Florida Forever Trust Fund.

HB 1291 terminates the Florida Communities Trust Fund and repeals s. 380.511, F.S., which creates the trust fund. The current balances of the Florida Communities Trust Fund will be transferred to the Land Acquisition Trust Fund.

The bill also makes the following changes related to the Florida Communities Trust:

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<sup>14</sup> Section 259.105(3)(m), F.S., specifies an alternative distribution of funds from the Florida Forever Trust Fund for the 2014-2015 fiscal year only as follows:

1. Five million dollars to the Department of Agriculture and Consumer Services for the acquisition of agricultural lands through perpetual conservation easements and other perpetual less-than-fee techniques, which will achieve the objectives of Florida Forever and s. 570.71.
2. The remaining moneys appropriated from the Florida Forever Trust Fund shall be distributed only to the Division of State Lands within the Department of Environmental Protection for land acquisitions that are less-than-fee interest, for partnerships in which the state's portion of the acquisition cost is no more than 50 percent, or for conservation lands needed for military buffering or springs or water resources protection. This paragraph expires July 1, 2015.

<sup>15</sup> FLAIR number 37-2-244

<sup>16</sup> FLAIR number 37-2-131

<sup>17</sup> FLAIR number 37-2-193

<sup>18</sup> FLAIR number 37-2-332

<sup>19</sup> FLAIR number 37-2-776

<sup>20</sup> FLAIR number 42-2-931

<sup>21</sup> FLAIR number 77-2-931

<sup>22</sup> s. 380.511, F.S.

1. Provides that funds from the sale of lands purchased by the Florida Communities Trust will be deposited into the appropriate trust fund pursuant to s. 253.034(6), F.S., rather than the Florida Communities Trust Fund (s. 380.508, F.S.).
2. Provides that all moneys and revenue from the operation, management, lease, or other disposition of land, water areas, related resources and the facilities thereon acquired or constructed through the Florida Communities Trust will be deposited into the Internal Improvement Trust Fund (s. 380.508, F.S.).
3. Provides that any funds over and above eligible project costs, which remain after completion of a project, will be deposited into the Florida Forever Trust Fund instead of the Florida Communities Trust Fund (s. 380.508, F.S.).
4. Provides that any funds that the Florida Communities Trust collects from a nonprofit organization or local government under a grant or loan agreement must be deposited into the Internal Improvement Trust Fund within the DEP rather than the Florida Communities Trust Fund (s. 380.510(5), F.S.).
5. Requires deeds or leases with respect to any property acquired by the Florida Communities Trust with Land Acquisition Trust Fund proceeds to contain certain covenants and restrictions (s. 380.510, F.S.).

#### *Florida Preservation 2000 Act and Trust Fund*

Section 259.101, F.S., creates the Florida Preservation 2000 Act, which authorizes the issuance of bonds to fund land acquisition. The Florida Preservation 2000 Trust Fund is created within the DEP by section 375.045, Florida Statutes, to carry out the purposes of ss. 259.032 (Conservation and Recreation Lands Trust Fund), 259.101 (The Florida Preservation 2000 Act), and 375.031, F.S. (acquisition of land or water resources for conservation or improvement). Revenue sources consisted of the proceeds of the sale of revenue bonds. The funds for this program have all been expended and the bonds have been retired.

HB 1291 amends s. 259.101, F.S., related to the Florida Preservation 2000 Act to remove outdated language relating to distribution of funds and project criteria. The bill maintains portions of the section relating to alternatives to fee simple acquisition and to the disposition and use of lands acquired with Preservation 2000 funds. The bill requires deeds or leases with respect to any property acquired with Florida Preservation 2000 funds to contain certain covenants and restrictions.

The bill terminates the Florida Preservation 2000 Trust Fund and repeals s. 375.045, F.S., which creates the trust fund. The current balances of the Florida Preservation Trust fund will be transferred to the Land Acquisition Trust Fund. The bill transfers current language from s. 375.045(3), F.S., to s. 259.101, F.S., which requires any agency or water management district that acquired lands using Preservation 2000 funds to manage the lands to make them available for public recreational use, and requires the agency or water management district to control the growth of nonnative invasive plant species on lands they manage that were purchased with Preservation 2000 funds. The bill also removes a reference to Preservation 2000 bonds in s. 259.041(11), F.S.

The bill amends the following sections of statute to remove or replace references to the terminated trust fund:

- s. 373.45926, F.S., relating to the Everglades Trust Fund to remove reference to Preservation 2000 funds being a funding source for the trust fund.
- s. 380.507, F.S. to remove the requirement that the Board of Trustees of the Internal Improvement Trust Fund adopt rules governing the acquisition of lands using proceeds from the Preservation 2000 Trust Fund.

The bill also amends ss. 253.034(3), 259.032, 259.035, 259.04, 259.041(15), 259.105(9), 373.199(7)(c), 373.4592(3)(a), 380.507(11) and 380.510, F.S., to conform cross references to the changes made by the bill to s. 259.101, F.S.

#### *Water Management Lands Trust Fund*

The Water Management Lands Trust Fund is created within the DEP pursuant to s. 373.59, F.S. The trust fund disperses funds to Florida's five water management districts for the purpose of land

acquisition, management, maintenance, capital improvements of land titled to the water management districts, payments in lieu of taxes, and debt service on bonds. Revenue sources consist of documentary stamp taxes and fines and damages relating to water pollution. The section provides for the allocation of funds from the trust fund.

HB 1291 eliminates the documentary stamp tax distribution to this trust fund, and terminates the Water Management Lands Trust Fund. The bill amends s. 373.59, F.S., which creates the trust fund to remove provisions relating to the distribution of funds from the trust fund, the purpose and use of the trust fund and the requirement that the water management districts submit reports relating to land acquisition plans. The balance of the trust fund will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S.<sup>23</sup>

The bill amends s. 373.584, F.S., relating to revenue bonds to remove the authority for a water management district to pledge revenues derived from the Water Management Lands Trust Fund to pay revenue bonds. The bill amends s. 373.703, F.S., relating to water production to remove the reference to the Water Management Lands Trust Fund and to provide that revenue bonds issued by a water management district may not be secured by funds appropriated by the Legislature unless specifically authorized by the Legislature.

The bill also amends s. 373.459(4), F.S., relating to funds for surface water improvement and management and 373.026, F.S., relating to general powers and duties of the department to remove references to s. 373.59, F.S. that will no longer be applicable because of the revisions made to that section of statute. The bill also amends ss. 373.089(4), 373.1391(5), and 373.199(7)(c), F.S., to amend cross references to reflect the changes made to s. 373.59, F.S.

#### *Ecosystem Management and Restoration Trust Fund*

The Ecosystem Management and Restoration Trust Fund is created within the DEP pursuant to s. 403.1651, F.S. The trust fund is used for funding programs for the management and restoration of ecosystems, surface water improvement and management plans and programs, activities to restore polluted areas of the state, activities to restore or rehabilitate injured or destroyed coral reefs, activities by the department to recover moneys as a result of actions against any person for a violation of chapter 373 and activities authorized for the implementation of the Leah Schad Memorial Ocean Outfall Program implemented in s. 403.086(9), F.S.

HB 1291 eliminates the documentary stamp tax distribution to this trust fund. The bill terminates the Ecosystem Management and Restoration Trust Fund and repeals s. 403.1651, F.S., which creates the trust fund. The balance of the fund will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S.<sup>24</sup>

Pursuant to s. 376.307, F.S., the Water Quality Assurance Trust Fund in the Department of Environmental Protection is “intended to serve as a broad-based fund for use in responding to incidents of contamination that pose a serious danger to the quality of groundwater and surface water resources or otherwise pose a serious danger to the public health, safety, or welfare.”

HB 1291 amends s. 376.307, F.S., to specify that funds from the Water Quality Assurance Trust Fund may be used for these purposes instead of the Ecosystem Management and Restoration Trust Fund:

1. Detailed planning for and implementation of programs for the management and restoration of ecosystems,
2. Development and implementation of surface water improvement and management plans and programs,

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<sup>23</sup> Cash balances associated with debt service on bonds issued before February 1, 2009, by the South Florida Water Management and the St. Johns River Water Management District will be transferred to the Land Acquisition Trust Fund.

<sup>24</sup> Cash balances associated with the Reef Grounding Program and Pollution Recovery Restricted Accounts will be transferred to the Water Quality Assurance Trust Fund.

3. Activities to restore polluted water areas of the state, as defined by the department, to their condition before pollution occurred or to otherwise enhance pollution control activities.
4. Activities by the department to recover moneys as a result of actions against any person for a violation of chapter 373.
5. Activities authorized for the implementation of the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.08601, F.S.
6. Funding activities to restore or rehabilitate injured or destroyed coral reefs.

The bill further amends s. 376.307, F.S., to specify that these additional revenue sources will be credited to the Water Quality Assurance Trust Fund:

1. Damages recovered for coral reef protection pursuant to s. section 403.93345, F.S.
2. All civil penalties recovered pursuant to s. 373.129(5)(a), F.S.
3. Funds appropriated by the Legislature for the purposes of Surface Water Improvement and Management Act in ss. 373.451–373.4598, F.S.
4. Moneys collected pursuant to s. 403.121, F.S., and designated for deposit into the Water Quality Assurance Trust Fund.
5. Moneys recovered by the state as a result of activities against a person for a violation of chapter 373, F.S., or chapter 403, F.S., initiated by the department.
6. Funds available for the Leah Schad Memorial Ocean Outfall Program pursuant to s. 403.08601, F.S.

The bill makes corresponding changes to s. 403.08601, F.S. The bill amends s. 373.129, F.S., to specify that civil penalties recovered by a water management district shall be retained by the water management district where the violation occurred. The bill also amends ss. 373.430(7) and 403.121(11), F.S., to provide that certain administrative fines, damages and civil penalties will be deposited into the Water Quality Assurance Trust Fund rather than the Ecosystem Management and Restoration Trust Fund.

The Florida Coastal Protection Trust Fund is established pursuant to s. 376.11, F.S., to be used by the Department of Environmental Protection and the Fish and Wildlife Conservation Commission to “provide a mechanism to have financial resources immediately available for prevention of, and cleanup and rehabilitation after, a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages.” Certain registration fees, penalties, judgments, damages and excise tax revenues are credited to the trust fund.

HB 1291 amends s. 161.054, F.S., to provide that administrative fines relating to coastal construction imposed pursuant to that section will be deposited into the Florida Coastal Protection Trust Fund rather than the Ecosystem Management and Restoration Trust Fund. The bill also amends s. 376.11, F.S., relating to the Florida Coastal Protection Trust Fund to make a corresponding change and corrects cross-references in ss. 376.123 and 376.40, F.S.

The bill also amends the following statutes to remove or replace references to Ecosystem Management and Restoration Trust Fund, which has been terminated by the bill:

1. s. 161.05301, F.S., relating to appropriations from the Ecosystem Management and Restoration Trust Fund for beach erosion control to repeal this section of statute.
2. s. 161.091, F.S., relating to beach management to replace a reference to the Ecosystem Management and Restoration Trust Fund with the Land Acquisition Trust Fund and to specify that the trust fund may be used for activities authorized for beaches and shores pursuant to Art. X, s. 28 of the constitution.
3. s. 373.459, F.S., to remove reference to the trust fund being used for the deposit of funds appropriated by the Legislature for the Surface Water Improvement and Management Act in ss. 373.451–373.4595, F.S.
4. s. 403.0615, F.S., relating to program to assist in the restoration and preservation of bodies of water to provide that the program is subject to legislative appropriation and to remove reference to Ecosystem Management and Restoration Trust Fund, General Revenue Fund and federal moneys.
5. s. 403.885, F.S., relating to the Water Projects Grant Program to remove a reference to the terminated trust fund as the funding source.

*Conservation and Recreation Lands Trust Fund—Department of Environmental Protection*

The Conservation and Recreation Lands Trust Fund is created in the DEP by s. 259.032, F.S. The fund receives documentary stamp taxes pursuant to s. 201.15, F.S., and phosphate rock severance taxes pursuant to s. 211.3103, F.S. This section authorizes the Board of Trustees of the Internal Improvement Trust Fund to expend funds to acquire the fee or any lesser interest in lands for a list of specified public purposes relating to conservation or recreation. Pursuant to s. 201.15(11), F.S., the documentary stamp tax distribution deposited into the Conservation and Recreation Lands Trust Fund “may not be used for land acquisition but may be used for preacquisition costs associated with land purchases.”

HB 1291 eliminates the documentary stamp tax distribution to this trust fund and terminates the trust fund. The balance of the Conservation and Recreation Lands Trust Fund will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S. The bill amends s. 259.032, F.S., which creates the trust fund to remove references to funding sources and uses of the trust fund. The bill re-titles s. 259.032, F.S., “conservation and recreation lands” and retains current provisions in this section authorizing the Board of Trustees of the Internal Improvement Trust Fund to expend funds to acquire the fee or any lesser interest in lands for specified public purposes and current provisions relating to the selection, use and management of these lands.

The bill amends s. 380.0666, F.S., which authorizes a local land authority created by a county to identify parcels of land that would be appropriate acquisitions by the state from the Conservation and Recreational Lands Trust Fund to remove the reference to the trust fund. The bill also amends s. 253.027, F.S., relating to emergency archaeological property acquisition and s. 259.105, F.S., relating to the Florida Forever Act to remove references to the Conservation and Recreation Lands acquisition list.

The bill amends s. 259.035, F.S., relating to the Acquisition and Restoration Council to eliminate outdated language relating to rules of the council and require the council to develop certain rules by December 1, 2016 relating to criteria and performance measures for lands that are to be acquired for public purpose. The bill further amends this section to apply current requirements regarding to the evaluation of projects proposed for funding to projects to be funded pursuant to Art. X, s. 28 of the Florida Constitution. The bill also amends s. 338.250, F.S., relating to the Central Florida Beltway to remove reference to the Conservation and Recreation Lands Trust Fund and Save Our Rivers Land Acquisition Trust Fund.

The bill repeals s. 380.0677, F.S., relating to an obsolete provision for the Green Swamp Land Authority. The bill amends ss. 253.027, 253.034, 259.035, 259.036, 259.037, 259.105, 570.321, F.S., to conform cross references to the changes made by the bill to s. 259.032, F.S.

*Conservation and Recreation Lands Program Trust Fund—Department of Agriculture and Consumer Services and Fish and Wildlife Conservation Commission*

Section 570.207, F.S., creates the Conservation and Recreation Lands Program Trust Fund in DACS. Section 379.202, F.S., creates the Conservation and Recreation Lands Program Trust Fund in the FWC. According to these statutes, the purpose of these trust funds is to provide for the management of conservation and recreation lands by the department and commission.

HB 1291 terminates the Conservation and Recreation Lands Program Trust Funds within the Department of Agriculture and Consumer Services and within the FWC, and repeals ss. 570.207 and s. 379.202, F.S., which create these trust funds. The balance of these trust funds will be transferred to the General Revenue Fund pursuant to s. 215.3206, F.S.

The bill amends s. 570.71, F.S., relating to conservation easements and agreements to specify that funds from various sources (other than the LATF) will be deposited into the Incidental Trust Fund rather than Conservation and Recreation Lands Program Trust Fund for this purpose. The bill amends s.

215.20, F.S., which currently exempts the Conservation and Recreation Lands Program Trust Fund of DACS from the general revenue service charge to remove the reference to the terminated trust fund.

### **Payment in Lieu of Taxes**

Currently, s. 259.032(12), F.S., requires the Legislature to make available sufficient funds annually from the Conservation and Recreation Lands Trust Fund for payment in lieu of taxes to qualifying counties and local governments for all actual tax losses incurred as a result of land acquisitions under the Florida Forever or Preservation 2000 program during any year. This section specifies that payment in lieu of taxes must be available for all counties that have a population of 150,000 or fewer and all local government within these counties, as well as to Glades County for a specified prison and juvenile justice facility.

HB 1291 amends this section to retain the requirement that funds be made available for payment in lieu of taxes, but removes the reference to the Conservation and Recreation Lands Trust Fund as the funding source. The bill also removes the requirement relating to Glades County. There is no juvenile justice facility in Glades County that meets the statutory criteria. Furthermore, in recent years, several counties, including Glades County, have received funding in the General Appropriations Act for payment in lieu of taxes for correctional facilities.<sup>25</sup> However, this issue has been funded through the General Revenue Fund, not the Conservation and Recreation Land Trust Fund.

Currently s. 373.59, F.S., specifies that water management district governing boards must reserve funds from the Water Management Lands Trust Fund for payment in lieu of taxes for all actual ad valorem tax losses incurred as a result of governing board acquisitions for water management district purposes. The payment in lieu of taxes must be available for all counties that have a population of 150,000 or fewer and all local governments located in these counties whose lands are bought and taken off the tax rolls.

HB 1291 amends this provision to retain the requirements that such payments be made and to remove the reference to the Water Management Lands Trust Fund as the funding source. The bill also moves language from s. 373.5905, F.S., to s. 373.59, F.S., which requires a water management district that has made a payment in lieu of taxes to a governmental entity and subsequently suspended such payment to reinstate appropriate payments. The bill repeals s. 373.5905, F.S.

### **Bond Authority**

Section 215.618, F.S., authorizes the issuance of up to \$5.3 billion in 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 the 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 is hereby authorized, subject to the provisions of s. 259.105 and pursuant to Art. VII, s. 11(e) of the State Constitution.

The duration of each series of Florida Forever bonds issued may not exceed 20 years. This section also authorizes Florida Forever bonds to be issued to refund Preservation 2000 bonds issued pursuant to s. 375.051, F.S. The \$5.3 billion limitation on the issuance of Florida Forever bonds does not apply to refunding bonds.

HB 1291 amends s. 215.618, F.S., to remove the reference to Preservation 2000 bonds, which have been retired. The bill makes similar changes to s. 215.619, F.S., which authorizes bonds for Everglades restoration. The bill also repeals s. 375.051, F.S.

HB 1291 reenacts ss. 339.2818(6), 338.2819(5), 339.61(3), 341.051(6), 373.470(4)(e), and 420.9079(1), F.S., incorporating by reference the changes made by this act to s. 201.15, F.S.; s.

<sup>25</sup> See proviso language preceding specific appropriation 625 in the 2014-2015 General Appropriations Act, ch. 2014-51, L.O. F. Moore Haven Correctional Facility is in Glades County and that county received \$339,242 for payment in lieu of taxes for the 2014-2015 fiscal year.

258.015(3)(b), F.S., incorporating by reference the changes made by this act to s. 375.041, F.S.; and s. 287.0595(2), F.S., incorporating by reference the changes made by this act to 376.307, F.S.

**B. SECTION DIRECTORY:**

**Section 1** Terminates the Department of Environmental Protection's Conservation and Recreation Lands Trust Fund, Ecosystem Management and Restoration Trust Fund, Florida Communities Trust Fund, Florida Preservation 2000 Trust Fund, and the Water Management Lands Trust Fund.

**Section 2** Terminates the Department of Agriculture and Consumer Service's Conservation and Recreation Lands Program Trust Fund.

**Section 3** Terminates Fish and Wildlife Conservation Commission's Conservation and Recreation Lands Program Trust Fund.

**Section 4** Amends s. 17.61, F.S., relating to interest earnings on investment of Land Acquisition Trust Funds.

**Section 5** Amends s. 161.054, F.S., relating to administrative fines for coastal construction.

**Section 6** Amends s. 161.091, F.S., relating to beach management funding.

**Section 7** Amends s. 201.0205, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to inapplicability of 10-cent tax increase for certain documents and counties.

**Section 8** Amends s. 201.15, F.S., relating to documentary stamp tax distributions.

**Section 9** Amends s. 211.3103, F.S., deleting distribution from tax on severance of phosphate rock to the Conservation and Recreation Lands Trust Fund and redistributing to remaining recipients.

**Section 10** Amends s. 215.20, F.S., deleting reference to Department of Agriculture and Consumer Service's Conservation and Recreation Lands Program Trust Fund.

**Section 11** Amends s. 215.618, F.S., deleting obsolete reference to Florida Preservation 2000 bonds; providing percentage cap of the amount of documentary stamp taxes that can be taken into account to satisfy certain bond tests.

**Section 12** Amends s. 215.619, F.S., deleting obsolete reference to Florida Preservation 2000 bonds; providing percentage cap of the amount of documentary stamp taxes that can be taken into account to satisfy certain bond tests.

**Section 13** Amends s. 253.027, F.S., deleting obsolete language on Conservation and Recreation Lands acquisition list.

**Section 14** Amends s. 253.03, F.S., relating to Board of Trustees of the Internal Improvement Trust Fund administration of forfeited property.

**Section 15** Amends s. 253.034, F.S., correcting cross references from the termination of Florida Preservation 2000 Trust Fund, Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund; depositing proceeds from sale of conservation lands in the Florida Forever Trust Fund or Land Acquisition TF.

**Section 16** Amends s. 253.7824, F.S. relating to deposit of funds from sale of products.

**Section 17** Amends s. 258.435, F.S. relating to deposit of funds for the administration of aquatic preserves.



**Section 18** Amends s. 259.032, F.S., conforming provisions relating to the termination of the Conservation and Recreation Lands Trust Fund.

**Section 19** Amends s. 259.035, F.S., conforming provisions relating to the termination of the Conservation and Recreation Lands Trust Fund; revising date by which rules must be developed by the Acquisition and Restoration Council.

**Section 20** Amends s. 259.036, F.S., correcting cross reference for changes to s. 259.032 relating to management review teams.

**Section 21** Amends s. 259.037, F.S. correcting cross references for changes to s. 259.032, F.S., relating to the Land Management Uniform Accounting Council.

**Section 22** Amends s. 259.04, F.S., correcting cross references for changes to s. 259.101, F.S., relating to the Board of Trustees of the Internal Improvement TF.

**Section 23** Amends s. 259.041, F.S., correcting cross references for changes to s. 259.101, F.S., relating to acquisition of state-owned lands for preservation, conservation and recreation purposes.

**Section 24** Amends s. 259.101, F.S., correcting cross references for changes to ss. 259.032 and 259.101, F.S.; adding provision on retaining public recreational use.

**Section 25** Amends s. 259.105, F.S., correcting cross references for changes to ss. 259.032 and 259.101, F.S.

**Section 26** Amends s. 259.1051, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Florida Forever Trust Fund.

**Section 27** Amends s. 338.250, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Central Florida Beltway mitigation.

**Section 28** Amends s. 339.0801, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to State Transportation Trust Fund.

**Section 29** Amends s. 339.55, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to State Transportation Trust Fund.

**Section 30** Amends s. 341.303, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Florida Rail Enterprise.

**Section 31** Amends s. 343.58, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to South Florida Regional Transportation Authority.

**Section 32** Amends s. 369.252, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to invasive plant control on public lands.

**Section 33** Amends s. 373.026, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to South Florida Water Management District 5-year plan of acquisition.

**Section 34** Amends s. 373.089, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to sale or exchange of lands, or interests or rights in lands.

**Section 35** Amends s. 373.129, F.S., replacing Water Management Lands Trust Fund with Water Quality Assurance Trust Fund for deposit of civil penalties relating to pollution discharge and removal; deleting obsolete reference to Ecosystem Management and Restoration Trust Fund.

**Section 36** Amends s. 373.1391, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to management of real property.

**Section 37** Amends s. 373.199, F.S., correcting cross references for changes to ss. 259.032 and 259.101, F.S., relating to the Florida Forever Water Management District Work Plan.

**Section 38** Amends s. 373.430, F.S., replacing Water Management Lands Trust Fund with Water Quality Assurance Trust Fund for deposit of damages relating to pollution discharge and removal; deleting obsolete reference relating to Ecosystem Management and Restoration Trust Fund.

**Section 39** Amends s. 373.459, F.S., deleting Ecosystem Management and Restoration Trust Fund reference for surface water improvement and management.

**Section 40** Amends s. 373.4592, F.S., correcting cross reference for changes to s. 259.101, F.S., relating to Everglades improvement and management.

**Section 41** Amends s. 373.45926, F.S., deleting obsolete Florida Preservation 2000 provision relating to Everglades Trust Fund.

**Section 42** Amends s. 373.470, F.S., correcting cross reference for changes to s. 373.59, F.S., relating to Everglades restoration.

**Section 43** Amends s. 373.584, F.S., deleting reference to Water Management Lands Trust Fund relating to water management district revenue bonds.

**Section 44** Amends s. 373.59, F.S., eliminating establishment of Water Management Lands Trust Fund and distribution to water management districts; retaining payment in lieu of taxes.

**Section 45** Amends s. 373.703, F.S., prohibiting use of funds appropriated by the Legislature as collateral for water production revenue bonds in water management districts unless authorized by the Legislature.

**Section 46** Amends s. 375.031, F.S., relating to proceeds from sale or disposition of any lands or water storage areas.

**Section 47** Amends s. 375.041, F.S., relating to the purpose and use of the Land Acquisition Trust Fund within the Department of Environmental Protection; authorizing transfer to other agencies under nonoperating authority in s. 216.181(12), F.S.; requiring return of all unencumbered funds to the Land Acquisition Trust Fund to be available for future appropriation; deleting obsolete bond reference.

**Section 48** Amends s. 375.044, F.S., deleting obsolete bond reference.

**Section 49** Amends s. 375.075, F.S., relating to Florida Recreation Development Assistance Program.

**Section 50** Amends s. 376.11, F.S., relating to Florida Coastal Protection Trust Fund.

**Section 51** Amends s. 376.123, F.S., relating to claims against the Florida Coastal Protection Trust Fund.

**Section 52** Amends s. 376.307, F.S., relating to Water Quality Assurance Trust Fund.

**Section 53** Amends s. 376.40, F.S. relating to petroleum exploration and production.

**Section 54** Amends s. 379.206, F.S., transferring mitigation contributions from Land Acquisition Trust Fund to Grants and Donations Trust Fund within the Fish and Wildlife Conservation Commission.

**Section 55** Amends s. 379.212, F.S., relating to purpose and use of Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission; requiring return of all unencumbered funds to Land Acquisition Trust Fund within the Department of Environmental Protection to be available for future appropriation.

**Section 56** Amends s. 379.214, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Invasive Plant Control Trust Fund.

**Section 57** Amends s. 380.0666, F.S., correcting cross reference for changes to s. 259.032, F.S., relating to powers of land authority.

**Section 58** Amends s. 380.507, F.S., deleting obsolete provision relating to powers of the Florida Communities Trust.

**Section 59** Amends s. 380.508, F.S., relating to proceeds from the sale, lease, operation, management of land, water areas and related resources and facilities for Florida Communities Trust projects.

**Section 60** Amends s. 380.510, F.S., relating to conditions of grants and loans and deeds and leases of the Florida Communities Trust.

**Section 61** Amends s. 403.0615, F.S., making water resources restoration and preservation subject to specific legislative appropriation.

**Section 62** Amends s. 403.08601, F.S., replacing Ecosystem Management and Restoration Trust Fund with Water Quality Assurance Trust Fund as depository of certain revenue sources for Leah Schad Memorial Ocean Outfall Program.

**Section 63** Amends 403.121, F.S., replacing Ecosystem Management and Restoration Trust Fund with Water Quality Assurance Trust Fund for enforcement, procedures, and judicial and administrative remedies relating to wastewater systems.

**Section 64** Amends s. 403.885, F.S., deleting obsolete distribution to the Ecosystem Management and Restoration Trust Fund relating to the Water Projects Grant Program.

**Section 65** Amends s. 403.9325, F.S., relating to definition of public lands that have been set aside for conservation or preservation.

**Section 66** Amends s. 403.93345, F.S., replacing Ecosystem Management and Restoration Trust Fund with Coastal Protection Trust Fund relating to coral reef protection.

**Section 67** Amends s. 420.5092, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to Affordable Housing Guarantee Program.

**Section 68** Amends s. 420.9073, F.S., correcting cross reference for changes to s. 201.15, F.S., relating to local housing distributions.

**Section 69** Amends s. 570.321, F.S., deleting cross reference for changes to s. 259.032, F.S., relating to Endangered or Threatened Native Florida Grants Program.

**Section 70** Amends s. 570.71, F.S., relating to conservation easements and agreements.

**Section 71** Amends s. 895.09, F.S., relating to disposition of funds obtained through forfeiture proceedings.

**Section 72** Repeals s. 161.05301, F.S., relating to beach erosion control project staffing; s. 373.5905, F.S., relating to reinstatement of payments in lieu of taxes; s. 375.045, F.S., relating to Florida Preservation 2000 Trust Fund; s. 375.051, F.S., relating to the issuance of revenue bonds subject to

the constitutional amendment; s. 379.202, F.S., relating to the Conservation and Recreation Lands Program Trust Fund of the Fish and Wildlife Conservation Commission; s. 380.0677, F.S., relating to the Green Swamp Land Authority; s. 380.511, F.S., relating to the Florida Communities Trust Fund; s. 403.1651, F.S., relating to the Ecosystem Management and Restoration Trust Fund; s. 403.8911, F.S., relating to annual appropriation from the Water Protection and Sustainability Program Trust Fund; and s. 570.207, F.S., relating to the Conservation and Recreation Lands Program Trust Fund of the Department of Agriculture and Consumer Services.

**Sections 73, 74, 75, 76, 77, and 78** Reenact ss. 339.2818(6), 338.2819(5), 339.61(3), 341.051(6), 373.470(4)(e) and 420.9079(1), F.S., incorporating by reference the changes made by this act to s. 201.15, F.S.

**Section 79** Reenacts s. 258.015(3)(b), F.S., incorporating by reference the changes made by this act to s. 375.041, F.S.

**Section 80** Reenacts s. 287.0595(2), F.S., incorporating by reference the changes made by this act to s. 376.307, F.S.

**Section 81** Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill amends the distribution of the documentary stamp tax collections.<sup>26</sup>

#### Estimated Documentary Stamp Tax Distributions (in millions)

	FY 2015-2016		FY 2016-2017		FY 2024-2025	
	Current	Proposed	Current	Proposed	Current	Proposed
General Revenue Fund	\$1,009.0	\$734.8	\$1,108.1	\$786.1	\$1,770.5	\$1,153.6
DOR Operating TF	\$9.8	\$9.8	\$9.8	\$9.8	\$9.8	\$9.8
Land Acquisition TF	\$241.6	\$741.8	\$241.7	\$798.7	\$189.0	\$1,075.9
Save Our Everglades TF	\$25.8	\$0.0	\$26.1	\$0.0	\$26.9	\$0.0
Ecosystem Management & Restoration TF	\$24.1	\$0.0	\$26.6	\$0.0	\$30.0	\$0.0
General Inspection TF (oyster management)	\$0.2	\$0.02	\$0.3	\$0.3	\$0.3	\$0.3
Water Management Lands TF	\$49.0	\$0.0	\$48.9	\$0.0	\$48.7	\$0.0
Conservation & Recreation Lands (CARL) TF	\$64.7	\$0.0	\$69.6	\$0.0	\$93.8	\$0.0
State Game TF (from CARL TF for land management)	\$8.1	\$0.0	\$8.7	\$0.0	\$11.8	\$0.0
Invasive Plant Control TF	\$34.5	\$0.0	\$34.5	\$0.0	\$34.4	\$0.0
State Game TF (lake restoration)	\$9.4	\$0.0	\$9.4	\$0.0	\$9.4	\$0.0
Water Quality Assurance TF	\$5.2	\$0.0	\$5.6	\$0.0	\$7.5	\$0.0
General Inspection TF	\$5.2	\$0.0	\$5.6	\$0.0	\$7.5	\$0.0
State Housing TF	\$77.7	\$77.7	\$85.4	\$85.4	\$122.9	\$122.9
Local Housing TF	\$182.0	\$182.0	\$200.0	\$200.0	\$287.6	\$287.6
DEO Grants & Donations TF	\$2.6	\$2.6	\$2.8	\$2.8	\$3.3	\$3.3
State Transportation TF	\$358.7	\$58.7	\$397.1	\$397.1	\$466.8	\$466.8
State Economic Enhancement & Development TF	\$150.0	\$150.0	\$150.0	\$150.0	\$150.0	\$150.0
<b>Total Estimated Tax Collections</b>	<b>\$2,257.6</b>	<b>\$2,257.6</b>	<b>\$2,430.2</b>	<b>\$2,430.2</b>	<b>\$3,270.0*</b>	<b>\$3,270.0*</b>

\*Differences in amounts between itemized list and total collections is due to rounding.

<sup>26</sup> Revenue Estimating Conference, Documentary Stamp Tax Collections and Distributions, March 10, 2015.

The bill amends the disposition of the following revenue sources from DEP's Land Acquisition TF to the funds listed below.

Revenues	Current Trust Fund	Recipient Fund of Revenues
Proceeds from the Sale of Products	Land Acquisition TF	Internal Improvement TF
Gifts & Donations for Aquatic Preserves	Land Acquisition TF	Grants & Donations TF

The bill terminates the trust funds listed below and transfers the estimated fund balances to the following funds.

Terminated Funds	Estimated June 30, 2015 Fund Balances <sup>27</sup>	Recipient Funds
DEP Conservation & Recreation Lands (CARL) TF	\$9,052,219	General Revenue Fund
DEP Ecosystem Management & Restoration TF	\$3,776,527	General Revenue Fund
DEP Ecosystem Management & Restoration TF (Reef Grounding Program & Pollution Recovery Restricted Accounts)	\$1,398,477	Water Quality Assurance TF
DEP Florida Communities TF	\$244,500	Land Acquisition TF
DEP Florida Preservation 2000 TF	\$388,037	Land Acquisition TF
DEP Water Management Lands TF (Debt Service)	\$13,388,037	Land Acquisition TF
DEP Water Management Lands TF	\$1,497,460	General Revenue Fund
DACS CARL Program TF	\$3,360,592	General Revenue Fund
FWC CARL Program TF	\$65,540	General Revenue Fund

The bill amends the disposition of the following revenue sources from the terminated trust funds to the trust funds listed below.

Revenues	Terminated Fund	Recipient Fund of Revenues
Beach Administrative Fines	Ecosystem Management & Restoration TF	Florida Coastal Protection TF
Water Management District Civil Penalties	Water Management Lands TF	Retained in WMD where violation occurred
Water Resources Penalties & Damages	Ecosystem Management & Restoration TF and Water Management Lands TF	Water Quality Assurance TF
Surface Water Improvement & Management	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Damages Recovered for Coral Reefs	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Leah Schad Memorial Ocean Outfall Funds	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Settlement Funds for Pollution Control	Ecosystem Management & Restoration TF	Water Quality Assurance TF
Land & Water Management Disposition of Lands	Florida Communities TF	Appropriate Trust Fund
Land & Water Management Nonprofits and Local Governments	Florida Communities TF	Internal Improvement TF
Environmental Control Enforcement Penalties	Ecosystem Management & Restoration TF	Water Quality Assurance TF

<sup>27</sup> Revenue Estimating Conferences, General Revenue Fund and Documentary Stamp Tax Collections and Distributions, March 10, 2015; Agencies' Trust Funds Analyses on file with House Agriculture & Natural Resources Appropriations Subcommittee (December 18, 2014).

The bill eliminates the \$250,000 annual transfer from the DEP Conservation and Recreation Lands Trust Fund to the DACS Plant Industry Trust Fund for the Endangered or Threatened Native Flora Conservation Grants program.

The bill requires that interest earned on the investment of Land Acquisition Trust Fund in the Department of Environmental Protection, Department of Agriculture and Consumer Services, Fish and Wildlife Conservation Commission, and the Department of State accrues to the General Revenue Fund. The impact to the General Revenue fund is indeterminate.

The bill replaces the funding for contractual agreements with private parties for the management of conservation lands under the Florida Forever program from 5 percent of the documentary stamp tax deposited into the Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund to \$6.2 million from the Land Acquisition Trust Fund. The \$6.2 million represents the 5 percent projected to be deposited into the Conservation and Recreation Lands Trust Fund and Water Management Lands Trust Fund for Fiscal Year 2015-2016 based on the August 2014 Revenue Estimating Conference.

The bill terminates the distribution of the phosphate rock severance tax to the Conservation and Recreation Lands Trust Funds and redistributes the proceeds to the remaining recipients.

**Estimated Phosphate Rock  
Severance Tax Distributions  
(in millions)<sup>28</sup>**

	FY 2015-2016		FY 2016-2017	
	Current	Proposed	Current	Proposed
CARL TF	\$8.0	\$0	\$8.0	\$0
General Revenue Fund	\$11.3	\$14.6	\$11.3	\$14.6
Counties in Proportion to Number of Tons of Phosphate Rock Produced	\$4.1	\$5.3	\$4.1	\$5.3
Counties Designated as Rural Area of Opportunity	\$3.1	\$4.1	\$3.1	\$4.1
Nonmandatory Land Reclamation TF	\$5.7	\$7.4	\$5.7	\$7.4
Phosphate Research TF	\$2.0	\$2.6	\$2.0	\$2.6
Minerals TF	\$1.1	\$1.4	\$1.1	\$1.4
<b>Total Estimated Tax Collections*</b>	<b>\$35.3</b>	<b>\$35.3</b>	<b>\$35.3</b>	<b>\$35.3</b>

\*Although the distribution changes again on January 1, 2023, there are no official estimates of the phosphate rock severance tax collections for Fiscal Year 2022-2023.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

See fiscal impact on counties based on changes to phosphate rock severance tax distributions in the chart above.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

The bill requires the Acquisition and Restoration Council to develop rules defining specific criteria and numeric performance measures needed for lands that are to be acquired with funds deposited into the Land Acquisition Trust Fund pursuant to Art. X, s. 28 of the State Constitution.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**