TREASURE COAST REGIONAL PLANNING COUNCIL

MEMORANDUM

To: Council Members
From: Staff
Date: February 19, 2016 Council Meeting
Subject: Resolution of Support for Proposed House Bill 989 and Senate Bill 1168

Introduction

Representative Gayle Harrell and Senator Joe Negron are sponsoring identical bills related to implementation of the Water and Land Conservation Constitutional Amendment (Amendment 1). The bills essentially require that, at a minimum, the lesser of 25 percent or $200 million of Amendment 1 monies collected annually shall be allocated for Everglades restoration projects that implement the Comprehensive Everglades Restoration Plan. Preference is to be given to those restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries (Attachment 1).

Council’s top 2016 legislative priorities are Restore the Everglades and Eliminate Harmful Freshwater Discharges into the St. Lucie River Estuary and Indian River and Lake Worth Lagoons. Both of these bills do a nice job of supporting these priorities.

Background and Analysis

The Everglades, Lake Okeechobee, Indian River and Lake Worth lagoons and the St. Lucie River Estuary are imperiled ecosystems and critical to the economy and quality of life in the Treasure Coast Region and all of Southeast Florida. Last year Council’s Gubernatorial Committee developed its 2016 legislative priorities document in support of restoring these ecosystems, which Council approved at its December 11, 2015 meeting (Attachment 2). Besides the two priorities outlined above, it also identified ten initiatives or actions the legislature could take in support of these priorities. The top three legislative actions in order are:

- significantly increasing the long-term use of Land Acquisition Trust Fund (Amendment 1) monies for Everglades restoration, including bonding these monies;
- restoring historic flows south to Everglades National Park; and
- creating significant additional storage in the Caloosahatchee and St. Lucie River/Indian River Lagoon Estuary basins.

With the exception of requesting authority to bond Amendment 1 monies, both House Bill 989 and Senate Bill 1168 strongly support Council’s 2016 legislative priorities and should result in
the supporting actions outlined above. Resolution 16-01 is provided for Council adoption in support of House Bill 989 and Senate Bill 1168 (Attachment 3).

Recommendation

Council should adopt Resolution 16-01 and authorize its transmittal to the Florida Legislature and Governor.

Attachments
A bill to be entitled
An act relating to implementation of the water and
land conservation constitutional amendment; amending
s. 375.041, F.S.; requiring a minimum specified
percentage of funds within the Land Acquisition Trust
Fund to be appropriated for Everglades restoration
projects; providing a preference in the use of funds
to certain projects that reduce discharges to the St.
Lucie and Caloosahatchee estuaries; providing an
effective date.

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

Section 1. Subsection (3) of section 375.041, Florida
Statutes, is amended to read:

375.041 Land Acquisition Trust Fund.—
(3) Funds distributed into the Land Acquisition Trust Fund
pursuant to s. 201.15 shall be applied:
(a) First, 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; and
pay debt service, provide reserves, and pay rebate obligations
and other amounts due with respect to Everglades restoration
bonds issued under s. 215.619; and
(b) Of the funds remaining after the payments required
under paragraph (a) but before funds may be appropriated or

CODING: Words struck are deletions; words underlined are additions.
dedicated for other uses, a minimum of the lesser of 25 percent or $200 million shall be appropriated annually for Everglades projects that implement the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization; the Long-Term Plan as defined in s. 373.4592(2); and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this paragraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner. Then, to pay the debt service on bonds issued before February 1, 2009, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to

Page 2 of 3
former s. 373.59, Florida Statutes 2014, or which are necessary

to fund debt service reserve funds, rebate obligations, or other
amounts payable with respect to such bonds. This paragraph
expires July 1, 2016, and

(c) Then, to distribute $32 million each fiscal year to
the South Florida Water Management District for the Long-Term
Plan as defined in s. 373.4592(2). This paragraph expires July
1, 2024.

Section 2. This act shall take effect July 1, 2016.
A bill to be entitled
An act relating to implementation of the water and
land conservation constitutional amendment; amending
s. 375.041, F.S.; requiring a minimum specified
percentage of funds within the Land Acquisition Trust
Fund to be appropriated for Everglades restoration
projects; providing a preference in the use of funds
to certain projects that reduce harmful discharges to
the St. Lucie Estuary and the Caloosahatchee Estuary;
providing an effective date.

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

Section 1. Subsection (3) of section 375.041, Florida
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pursuant to s. 201.15 shall be applied:
(a) First, 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; and
pay debt service, provide reserves, and pay rebate obligations
and other amounts due with respect to Everglades restoration
bonds issued under s. 215.619; and
(b) Of the funds remaining after the payments required
under paragraph (a) but before funds may be appropriated or
dedicated for other uses, a minimum of the lesser of 25 percent
or $200 million shall be appropriated annually for Everglades
projects that implement the Comprehensive Everglades Restoration
Plan as set forth in s. 373.470, including the Central
Everglades Planning Project subject to congressional
authorization; the Long-Term Plan as defined in s. 373.4592(2);
and the Northern Everglades and Estuaries Protection Program as set forth in s. 373.4595. From these funds, $32 million shall be distributed each fiscal year through the 2023-2024 fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). After deducting the $32 million distributed under this paragraph, from the funds remaining, a minimum of the lesser of 76.5 percent or $100 million shall be appropriated each fiscal year through the 2025-2026 fiscal year for the planning, design, engineering, and construction of the Comprehensive Everglades Restoration Plan as set forth in s. 373.470, including the Central Everglades Planning Project subject to congressional authorization. The Department of Environmental Protection and the South Florida Water Management District shall give preference to those Everglades restoration projects that reduce harmful discharges of water from Lake Okeechobee to the St. Lucie or Caloosahatchee estuaries in a timely manner Then, to pay the debt service on bonds issued before February 1, 2003, by the South Florida Water Management District and the St. Johns River Water Management District, which are secured by revenues provided pursuant to former s. 373.59, Florida Statutes 2014, or which are necessary to fund debt service reserve funds, rebate obligations, or other amounts payable with respect to such bonds. This paragraph expires July 1, 2016; and

(e) Then, to distribute $32 million each fiscal year to the South Florida Water Management District for the Long-Term Plan as defined in s. 373.4592(2). This paragraph expires July 1, 2024.

Section 2. This act shall take effect July 1, 2016.
2016 Legislative Priorities

Restore the Everglades and Eliminate Harmful Freshwater Discharges into the St. Lucie River Estuary and Indian River and Lake Worth Lagoons

Legislative Initiatives in Support of these Priorities Include:

- significantly increasing the long-term use of Land Acquisition Trust Fund (Amendment 1) monies for Everglades restoration, including bonding these monies;
- restoring historic flows south to Everglades National Park;
- creating significant additional storage in the Caloosahatchee and St. Lucie River/Indian River Lagoon Estuary basins;
- establishing water management system interconnections between the St. Johns River Water Management District and South Florida Water Management District beneficial to Everglades and regional estuary restoration, and protection of the Region’s drinking water supply;
- creating significant additional storage in the Northern and Southern Everglades;
- adequately funding local government efforts to comply with Total Maximum Daily Load regulations and targets contained in the Florida Department of Environmental Protection Basin Management Action Plans;
- supporting local and regional efforts to increase water storage, aquifer recharge and the health and longevity of the Region’s ground and surface fresh water supply;
- better managing Lake Okeechobee and improving the Herbert Hoover Dike;
- increasing freshwater flows to the Northwest Fork of the Loxahatchee River; and
- increase funding for and reduce the cost of converting coastal septic systems to central sewer systems and provide incentives for property owners and local governments to encourage conversions.
RESOLUTION #16-01

A RESOLUTION OF THE TREASURE COAST REGIONAL PLANNING COUNCIL REPRESENTING THE 54 LOCAL GOVERNMENTS OF INDIAN RIVER, MARTIN, PALM BEACH, AND ST. LUCIE COUNTIES, FLORIDA SUPPORTING HOUSE BILL 989 AND SENATE BILL 1168 FOR EVERGLADES RESTORATION AND REDUCING HARMFUL FRESHWATER DISCHARGES TO THE ST. LUCIE AND CALOOSAHATCHEE RIVER ESTUARIES AND THE INDIAN RIVER AND LAKE WORTH LAGOONS

WHEREAS, the Everglades, Lake Okeechobee, St. Lucie and Caloosahatchee River estuaries, and Indian River and Lake Worth lagoons are imperiled ecosystems and waters of the state; and

WHEREAS, the health of these ecosystems are critical to the economy and quality of life of the Treasure Coast Region and all of southern Florida; and

WHEREAS, House Bill 989 and Senate Bill 1168 should result in actions to restore the long-term health and ecological and economic productivity of these ecosystems of statewide and national importance; and

WHEREAS, House Bill 989 and Senate Bill 1168 are in support of and consistent with the Treasure Coast Regional Planning Council’s 2016 legislative priorities.

NOW, THEREFORE, BE IT RESOLVED THAT TREASURE COAST REGIONAL PLANNING COUNCIL FULLY SUPPORTS HOUSE BILL 989 AND SENATE BILL 1168 TO RESTORE THE EVERGLADES ECOSYSTEM AND ELIMINATE HARMFUL FRESHWATER DISCHARGES TO THE ST. LUCIE AND CALOOSAHATCHEE RIVER ESTUARIES AND THE INDIAN RIVER AND LAKE WORTH LAGOONS.

DULY ADOPTED by the Treasure Coast Regional Planning Council this 19th day of February 2016.

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Michael Davis                      Michael J. Busha
Chairman                           Executive Director