

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA
ENVIRONMENTAL PRESERVATION AND CONSERVATION
Senator Dean, Chair
Senator Simpson, Vice Chair

MEETING DATE: Wednesday, January 7, 2015

TIME: 3:30 —5:30 p.m.

PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Dean, Chair; Senator Simpson, Vice Chair; Senators Altman, Evers, Hays, Simmons, Smith, and Soto

TAB		BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1		Presentation by staff on the Florida Water and Land Conservation Initiative, Amendment 1, Florida Constitution		Presented
Other Related Meeting Documents				

Water and Land Conservation Amendment

Florida Senate
January 7, 2015

Text of the Constitutional Amendment

Art. X, 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.

****Amendment 1 passed by 74.96%**

FLORIDA LAND ACQUISITION TRUST FUND

Receives a minimum 33% of Net Revenues* from Documentary Stamp Tax

Shall be expended only for the following purposes

As provided by law, to
finance and refinance

I.

II.

a.

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 habitats;

b.

wildlife management areas;

c.

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;

d.

lands in the Everglades Agricultural Area and the Everglades Protection Area, as defined in Article II, Section 7(b);

e. beaches and Shores

f.

outdoor recreational lands, including recreational trails, parks and urban open space;

g.

rural landscapes;

h.

working farms and ranches;

i.

historic or geologic sites;

j.

together with management, restoration of natural systems, and the enhancement of public access or recreational enjoyment of conservation lands.

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

*Net Revenues means total documentary stamp tax collections less Department of Revenue administrative costs.

Other Key Provisions

- **Effective July 1, 2015**
- **Distributions to the LATF required for 20 Years (July 1, 2035)**
- **Prohibits commingling of moneys with General Revenue**

20 Year Documentary Stamp Tax Forecast and LATF Distributions (\$ millions)

	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24	2024-25
Total Collections	2,305.9	2,462.9	2,599.0	2,691.6	2,776.8	2,867.3	2,957.1	3,066.8	3,188.6	3,316.0
Net Collections	2,296.1	2,453.1	2,589.2	2,681.8	2,767.0	2,857.5	2,947.3	3,057.0	3,178.8	3,306.2
Required Distribution to LATF	757.7	809.5	854.4	885.0	913.1	943.0	972.6	1,008.8	1,049.0	1,091.0

	2025-26	2026-27	2027-28	2028-29	2029-30	2030-31	2031-32	2032-33	2033-34	2034-35
Total Collections	3,435.8	3,560.0	3,688.6	3,821.9	3,960.0	4,103.1	4,251.4	4,405.0	4,564.2	4,729.1
Net Collections	3,426.0	3,550.2	3,678.8	3,812.1	3,950.2	4,093.3	4,241.6	4,395.2	4,554.4	4,719.3
Required Distribution to LATF	1,130.6	1,171.6	1,214.0	1,258.0	1,303.6	1,350.8	1,399.7	1,450.4	1,503.0	1,557.4

Total Estimated LATF Distributions - \$22,623.2

Section 201.15, F.S., Distributions of Documentary Stamp Tax Revenues* (\$ millions)

Total Collections - \$2,305.9
 DOR Administrative Costs (\$9.8)
 GR Service Charge (\$184.5)
 Net Available for Distribution - \$2,111.6

GR, Debt Service, and Misc. (63.31%)
 \$1,336.9

Other Distributions (36.69%)
 \$774.7

Environmental Debt Service (\$173.3)

Recipient	%	Cap**	Amount
1. DEO Grants and Mgt TF	0.23	\$3.25	\$2.7
2. DEP Ecosystem Mgt and Restoration TF	2.12	\$30	\$24.7
3. DACS Gen. Inspection TF (Oyster)	0.02	\$0.30	\$0.2
4. DOT State Trans. TF	38.2	\$541.75	\$443.2
5. GR Remainder			\$691.5

Recipient	%	Cap**	Amount
1. DEP LATF (first \$6.3 to GR)	7.56	\$84.9	\$79.9
2. DEP LATF Coastal Lands (first \$11 to GR)	1.94	\$26	\$15.0
3. DEP Water Mgt Lands TF [†]	4.2	\$60.5	\$61.2
4. DEP CARL TF	3.52		\$74.3
5. FWC Invas. Plant Control TF	2.25	\$34.1	\$34.5
6. FWC State Game TF	0.5	\$9.3	\$9.4
7. DEP Water Qual. Assur. TF	0.25		\$5.3
8. DACS Gen. Inspection TF	0.25		\$5.3
9. DEO State Housing TF	7.53		\$159.0
10. DEO State Housing TF	8.66		\$183.0
11. GR direct and due to caps			\$147.9

*Based on FY 2015-16 estimates

**There is some allowance for caps for Other Distributions to increase based on increases in doc stamp tax collections

[†]DEP Water Mgt Lands distributes \$8m to GR per s. 373.59, F.S. and \$4.3m for Keys Wastewater debt service

FY 2015-16 Statutory Distributions by General Category (\$ millions)

Total General Revenue from Documentary Stamp Tax	\$1,036.2	44.9%
Total Environmental Purposes*	\$470.3	20.4%
Total Transportation Purposes	\$369.5	16.0%
Total Economic Development Purposes	\$152.7	6.6%
Total Affordable Housing	\$266.9	11.6%
	<u>\$2,295.51</u>	<u>99.5%[†]</u>

Constitutionally required distribution to the LATF in FY 2015-16

\$757.7

*Does not include amounts transferred to GR from the Water Mgt Lands TF

[†]Percentages based on total Documentary Stamp Tax collections. Percentages total less than 100% due to rounding and exclusion of DOR administrative costs.

Next Steps for Implementation

- 1. Restructure S. 201.15, F.S., to comply with constitutional requirements**
- 2. Restructure trust funds and distributions**
 - a. Provide for accountability**
 - b. Increase transparency**
 - c. Comply with prohibition on commingling**

Public Input and Participation

New button on flsenate.gov:



1. Submit written comments to the committee from anywhere
2. Monitor committee records and activity
3. Links to relevant documents

Questions...

Constitution a form of government for the people of Florida.

We the people of the Territory of Florida, in Convention assembled at the city of St. Joseph on the third day of December, A.D. 1833, and of the Independence of the United States the sixty third year, have not claiming the right of admission into the Union as one of the United States of America consistent with the principles of the Federal Constitution and by virtue of the Treaty of Amity, Settlements and Limits between the United States of America and the King of Spain ceding the Province of East and West Florida to the United States in order to secure to ourselves and our posterity the enjoyment of all the rights of life, liberty and property and the pursuit of happiness do hereby agree each with the others to form ourselves into a free and independent State in the name of the State of Florida.

Article 1st

Declaration of Rights

That the great and essential principles of liberty and free government may be recognized and established we declare:— That all persons when they form a social compact are equal and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty of acquiring, possessing and protecting property and reputation and of pursuing their own happiness.— That all political power is inherent in the people and all free governments are founded on their authority and established for their benefit and therefore they have at all times an inalienable and indisputable right to alter or abolish their form of government in such manner as they may deem expedient.— That all men have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences and that no preference shall ever be given by law to any religion, no establishment or mode of worship in this State.— That all elections shall be free and equal and that no property qualification for eligibility to office or for the right of suffrage shall ever be required in this State.— That every citizen may freely speak, write and publish his sentiments on all subjects being responsible for the abuse of that liberty and no law shall ever be passed to curtail, abridge or restrain the liberty of speech or of the press.— That the right of trial by jury shall forever remain inviolate.— That the people shall be secure in their persons houses papers and possessions from unreasonable seizures and searches and that no warrant to search any place or to seize any person or things shall issue without describing the place to be searched and the person or thing to be seized, or nearly as may be, or without probable cause supported by oath or affirmation.— That no person shall be taken, imprisoned or deprived of his freedom, liberties or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property but to the law of the land.— That all courts shall be open and every person for an injury done him in his person goods person or reputation shall have remedy by due course of law and right and justice administered without sale, denial or delay.— That in all criminal prosecutions the accused hath a right to be heard by himself or counsel or both to demand the nature and cause of the accusation to be confronted with the witnesses against him to have compulsory process for obtaining witnesses in his favor and in all prosecutions by indictment or presentment a speedy and public trial by an impartial jury of the County or District where the offence was committed and shall not be compelled to give evidence against himself.— That all persons shall be bailable by sufficient securities unless in capital offences where the proof is evident or the presumption strong and the privilege of habeas corpus shall not be suspended except when in case of rebellion or invasion the public safety may require it.— That excessive bail shall in no case be required nor shall excessive fines be imposed nor shall cruel or unusual punishments be inflicted.



THE FLORIDA SENATE
SENATOR ANDY GARDINER
President

January 7, 2015

The Honorable Greg Evers
State Senator, District 2
308 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Senator Evers:

Pursuant to Senate Rule 1.5, it is my pleasure to appoint you to serve as a member of the Senate Committee on Environmental Preservation and Conservation effective immediately.

Thank you for your service to the Florida Senate.

Sincerely,

A handwritten signature in cursive script that reads "Andy Gardiner".

Andy Gardiner
President

C: Senator Charlie Dean, Chair, Committee on Environmental Preservation and Conservation
Pepper Uchino, Staff Director, Committee on Environmental Preservation and Conservation
Debbie Brown, Secretary of the Senate
John Phelps, Staff Director, Senate Committee on Rules

January 7, 2015

Contact: Katie Betta

(850) 487-5229

Senate Committee on Environmental Preservation & Conservation Launches Website to Take Public Comment on Amendment 1 Implementation

Tallahassee—Senator Charlie Dean (R-Inverness), Chair of the Senate Committee on Environmental Preservation and Conservation, today announced the creation of a webpage dedicated to collecting public comment on the implementation of Amendment 1, Water and Land Conservation, passed by Florida voters in November 2014.

“Florida’s environment impacts every single resident and visitor to our state, so we want to be certain that we hear from Floridians with specific ideas for how to implement this constitutional amendment,” said Chair Dean. “This webpage gives all interested citizens the opportunity to play a meaningful role in the legislative process.”

In November 2014, Florida voters approved an amendment to the state constitution which requires one third of documentary stamp revenue to be placed into the Land Acquisition Trust Fund and spent on a variety of environmental programs and initiatives. Senate President Andy Gardiner (R-Orlando) has tasked the Senate Committee on Environmental Preservation and Conservation with drafting legislation to implement this new amendment.

“Implementing this amendment is a historic responsibility and a tremendous opportunity to make a significant impact on the future of water and natural resources policy in our state,” said President Gardiner. “It is important for all interested Floridians to make their voices heard on existing and new programs to improve and protect Florida’s environment.”

The Water and Land Conservation page within the Senate website provides constituents an easy way to access information and provide feedback to members of the Environmental Preservation and Conservation Committee. Over the next few months, the committee will conduct a number of meetings to discuss and review these comments as they prepare legislation for the 2015 Session.

“We will preserve all comments and maintain them as part of our committee record,” said Chair Dean. “We plan to provide frequent updates and hope interested Floridians will sign up for the Senate Tracker, which will allow them to stay informed about the ongoing work of our committee.”

To view the Water and Land Conservation webpage, please click [here](#). To sign up for the Florida Senate Tracker, please click [here](#).



**Recommendation by the Sponsors of the
Florida Water and Land Conservation Amendment
for FY 16 Appropriations of Doc Stamps from Amendment 1**

	\$ From Amendment 1	Statutory References
TOTAL *	\$662.0	
Debt Service **	\$177.0	201.15, 215.618, 215.619
Beach Management	\$20.0	201.15(1)(c)(3)
Everglades, Estuaries, and Northern Everglades	\$150.0	373.470, 373.4595
Florida Forever	\$150.0	259.105
DEP/WMD/FCT	\$110.0	
Springs	\$30.0	
Trails	\$10.0	
Springs	\$50.0	373.451
Land Management	\$90.0	373.59
Rural Family Lands	\$25.0	570.71

* Based on August 2014 revenue estimates

** Florida Forever and Everglades

Recommendations on Springs and other Wastewater Issues:

1. The total need to address Springs issues is \$380 million
2. Set policy to prioritize use of Clean Water State Revolving Fund (\$50 million)
3. Use state appropriations to insure local wastewater and stormwater bonds to incentivize local revenue (\$200 million)
4. Expand wastewater infrastructure in springsheds to facilitate economic growth (\$50 million, Department of Economic Opportunity)

THE FLORIDA SENATE

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Bill Number (if applicable)

Topic Amendment

Amendment Barcode (if applicable)

Name Eric Draper

Job Title _____

Address 308 N Monroe
Street

Phone FSO 999 1028

Tallahassee, FL 32301

Email edrapear@quadlton.org

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Amendment 1 Coalition & Arduban Fl.

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Jan 7 2015
Meeting Date

Bill Number (if applicable)

Topic Amendment 1 Implementation

Amendment Barcode (if applicable)

Name Janet Bowman

Job Title Director of Legislative Policy & Strategy

Address 232 E 5th Avenue
Street

Phone 800-257-9406

Tallahassee FL 32303
City State Zip

Email Janet.Bowman@TNC.ORG

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☒ Against
(The Chair will read this information into the record.)

Representing The Nature Conservancy

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/7/15
Meeting Date

Bill Number (if applicable)

Topic AMENDMENT 1

Amendment Barcode (if applicable)

Name DAVID CULLEN

Job Title _____

Address 1674 UNIVERSITY PKWY #296
Street

Phone 941-323-2404

Sarasota FL
City State

34243 Email cullenasea@aol.com
Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing SIERRA CLUB FLORIDA

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-7-14

Meeting Date

Bill Number (if applicable)

Topic Amendment 1

Amendment Barcode (if applicable)

Name Merrilee Malwitz-Jipson

Job Title President, Our Santa Fe River

Address 2070 SW CR 138
Street

Phone 352-222-8893

Fort White FL 32038
City State Zip

Email Merrillecart@our
Santa Fe River
.org

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Our Santa Fe River

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☐ No

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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<u>Meeting Date</u>		<u>Bill Number (if applicable)</u>	
Topic	<u>Amendment 1</u>		
Name	<u>DEBBIE HARRISON Rumsberger</u>		
Job Title	<u>Legislative Liaison</u>		
Address	<u>542 Beverly Court</u>		Phone <u>224-5494</u>
	<u>Tallahassee FL</u>		Email <u>lwvadvocacy@gmail.com</u>
	Street	City	State Zip
Speaking:	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> Information		
	Waive Speaking: <input type="checkbox"/> In Support <input type="checkbox"/> Against (The Chair will read this information into the record.)		
Representing	<u>Florida League of Women Voters</u>		
Appearing at request of Chair:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Lobbyist registered with Legislature: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

CourtSmart Tag Report

Room: LL 37
Caption: Senate Environmental Preservation Committee

Type:
Judge:

Started: 1/7/2015 3:35:14 PM
Ends: 1/7/2015 4:45:40 PM **Length:** 01:10:27

3:35:16 PM	Roll Call
3:35:59 PM	Opening Comments by the chair
3:39:40 PM	Pepper Uchino Staff Director of Committee
3:41:06 PM	Presentation on Water and Land Conservation Amendment
3:41:57 PM	Art. X, Section 28
3:54:26 PM	Questions
3:54:55 PM	Senator Soto with a Question
3:55:23 PM	Pepper Responding
3:55:58 PM	Senator Soto with follow-up
3:56:09 PM	Pepper responding
3:56:38 PM	Senator Dean
3:58:01 PM	Senator Soto with follow-up
3:58:38 PM	Senator Dean
4:00:02 PM	Senator Altman with Question
4:01:08 PM	Pepper Responding
4:01:37 PM	Senator Altman with Follow-up
4:02:04 PM	Pepper Responding
4:02:21 PM	Senator Dean
4:03:02 PM	Senator Hays with Question
4:03:31 PM	Pepper Responding
4:03:49 PM	Senator Hays with Follow-up
4:04:46 PM	Senator Dean Responding
4:05:21 PM	Senator Evers with Question
4:08:02 PM	Senator Simmons
4:14:27 PM	Senator Soto Responding
4:15:25 PM	Senator Altman Responding
4:16:14 PM	Senator Dean
4:17:38 PM	Eric Draper, Representing Amendment 1 Coalition, Audubon FL
4:26:51 PM	Senator Simpson with Question
4:28:24 PM	Eric Draper Responding
4:29:32 PM	Senator Dean Responding
4:29:53 PM	Senator Hays
4:32:49 PM	Senator Evers
4:33:26 PM	Eric Draper Responding
4:33:46 PM	Senator Dean Responding
4:33:57 PM	Senator Soto with Question
4:35:20 PM	Senator Dean
4:35:34 PM	Janet Bowman, Representing Nature conservancy
4:37:54 PM	David Cullen, Representing Sierra club Florida
4:39:03 PM	Merrillee Malwitz-Jipson, Representing Our Santa Fe River
4:42:51 PM	Senator Dean responding
4:43:23 PM	Debbie Harrison Rumberger, Representing Florida League of Women Voters
4:45:09 PM	Closing comments
4:45:28 PM	Meeting Adjourned