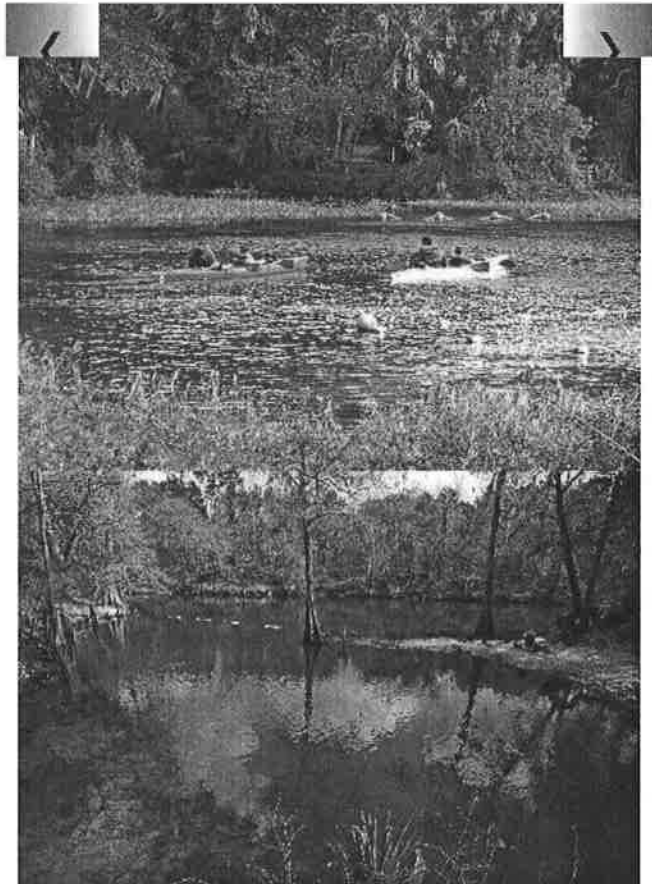


Legislators will decide whether to limit impact of environmental initiative

BY MARY ELLEN KLASHERALD/TIMES TALLAHASSEE BUREAU

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IMPROVING ENVIRONMENT: House and Senate Republican leaders are preparing legislation to rewrite many of the state's existing environmental laws to respond to recent passage of Amendment One, which requires the Legislature and governor to set aside one-third of all taxes collected from the documentary tax on real estate transactions to preserve environmentally-sensitive land and protect and improve water quality. Lawmakers warn that painful tradeoffs lie ahead. This photo was taken in Rainbow Springs State Park in central Florida northwest of The Villages. Courtesy of Florida Department of Environmental Protection

TALLAHASSEE Florida environmentalists say they were forced to go to voters to get permanent funding for land and water protection because legislators neglected the need for too many years. But now — even though Amendment 1 passed with 75 percent of the vote — the Legislature will get the last word.

House and Senate Republican leaders are preparing legislation to rewrite many of the state's existing environmental laws to

respond to the amendment, which requires the Legislature and governor to set aside one-third of all taxes collected from the documentary tax on real estate transactions. Lawmakers warn that painful tradeoffs lie ahead.

How legislators make those tradeoffs will determine whether the implementation of Amendment 1 is a cordial affair — in which both proponents and lawmakers agree to compromise — or whether the debate becomes a test of wills and, potentially, lawsuits.

"In this new reality, as we work to apply this new portion of our constitution and faithfully implement the will of the voters, there is going to be some pain," said Senate President Andy Gardiner in a speech to the Senate on Tuesday during the swear-in ceremony for members.

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Gardiner conceded that the proposal to generate between \$10 billion to \$20 billion for environmental causes over the next 20 years could "make a significant impact on the future of water and natural resources," but emphasized that "implementing this amendment will be a challenge."

Amendment 1 is expected to raise between \$300 million and \$500 million a year for projects intended to preserve environmentally-sensitive land and protect and improve water quality. At its core, the amendment weakens the Legislature's most coveted power — the power of the purse — by taking away the ability of legislators to control a small piece of the state's \$75 billion budget.

As a result, Gardiner's message was directed at both environmental advocates, who drafted the amendment, and his fellow lawmakers, whose power has been clipped by the proposal.

"We already spend hundreds of millions of dollars of doc stamp revenue and other state revenues on many initiatives that benefit Florida's environment and natural resources," Gardiner said in his speech. "The challenge facing this Senate is the impact Amendment 1 will have on transportation, affordable housing, and economic development, and other priorities which also receive doc stamp funding."

Environmental groups don't see these trade-offs as an either-or. They argue that legislators should use the doc stamp revenues to restore full funding to environmental programs that are already in law, instead of drafting new legislation.

"All the programs are already in place," said Will Abberger, director of the Florida Water and Land Legacy, which put the amendment on the ballot. "They just need to be funded."

The groups also believe that, as the economy recovers and real estate transactions increase, revenues from doc stamp taxes will be enough to also expand housing and transportation programs.

Clay Henderson, an Orlando lawyer and one of the amendment's authors, said the Legislature would not be facing this challenge if it hadn't "zeroed out any land conservation in the last few years and cut back on water resource protection."

The ballot initiative came about after Gov. Rick Scott and the Legislature repeatedly cut programs that protect the state's vulnerable springs and watersheds, and dismantled the Department of Environmental Protection division in charge of acquiring environmentally-sensitive land.

During that time, funding for Florida Forever, the land buying program used to protect water supplies and habitat, dropped from \$300 million a year to a total of less than \$29 million over the last four years. The governor and legislators used the savings from those cuts, and revenue from the doc stamp tax, to lower taxes and steer money into other spending priorities.

Amendment 1 was intended to reverse that trend, and repair the degradation of water recharge areas and the state's aquifer-fed springs.

Critics are worried, however, that legislators will do to Amendment 1 what they did to state lottery funds and education — used the dedicated funding source to supplant, not enhance, existing programs.

"It's a \$20 billion poker game," Henderson said. "We've seen the effects of massive pollution on the Indian River Lagoon and all of our springs are harmed. You can't fix this by moving money around."

House and Senate leaders say they will honor the will of the voters.

"It's absolutely going to require a lot more money and we'll find it," said Rep. Richard Corcoran, a Trinity Republican and chairman of the House Appropriations Committee.

But Sen. David Simmons, R-Maitland, Gardiner's point man on the issue, said he believes the amendment is so broadly written it gives lawmakers the ability to replace money now spent on existing environmental programs with the doc stamp money.

"I believe that the wording of the constitutional amendment gives the Legislature broad authority to deal with it — and that includes transferring those programs that are general revenue over to the doc stamps," he said. "We are not going to play shell games."

House Speaker Steve Crisafulli, a Merritt Island Republican, has signaled he wants an increase in funding for land and water protection but prefers a go-slow approach that prevents a ballooning of doc stamp revenues as the economy recovers. His staff is working on reorganizing the funding of all environmental programs and creating an accountability system for the money.

Henderson warns that voters will not support attempts to pay for existing environmental programs by supplanting general revenue money with doc stamp funds.

"What part of 75 percent do they not understand?" he asked, referring to the vote results. If legislators refuse to put enough new money into fixing the state's water woes, the environmental groups will "go back out to the thousands of people who signed petitions and gave money and remind legislators" on Election Day, or take them to court, he warned.

When it comes to deciding which environmental projects will get funded, Eric Draper of Florida Audubon urges legislators to do what has worked in the past: "the legislature creates criteria and the agencies decide what projects to do."

Florida Forever projects, for example, are chosen by a 10-member citizens panel appointed by the governor and state agencies based on objective criteria. Similar programs exist for the Rural and Farm Lands program, the Water Sustainability Trust Fund, Rails to Trails, the Florida Communities Trust, SWIM and the Conservation Land Management program run by the Division of State Parks.

"If there's just one pot of money and the Legislature starts handing the money out in the Appropriations Act, it becomes a lobbyist-driven process," Draper said.

Simmons said he supports having the Legislature provide the parameters with projects selected using a "scientific approach" that addresses the needs of both state and local governments.

Gardiner said that legislators will conduct public hearings beginning in January in an "open dialogue" about "what Amendment 1 will mean."

"We're not here to advocate one way or the other," he told reporters, "but we want people to understand the potential impact."

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