

Oliva v. Florida Wildlife Federation, Inc., No. 1D18-3141 2019 WL 4248469 at *1 (Fla. 1st DCA 2019).

First DCA Rules Against Environmental Groups in Land Acquisition Trust Fund Litigation.

This case involves the Land Acquisition Trust Fund (“LATF”) established by section 28 of Article X (“Art. X”) of the Florida Constitution, which was created by a widely popular voter-initiated ballot measure. The LATF receives revenues derived from taxes on documents. LATF funds are to be used for the financing or refinancing of the acquisition and improvement of land, water areas, and related property interests,¹ as well as to pay the debt service on bonds issued under Article VII of the Florida Constitution.

The Florida Wildlife Federation and Florida Defenders of the Environment separately brought suit against a number of high-ranking state public and elected officials and alleged that certain expenditures they made with LATF money were unconstitutional. The plaintiffs argued the plain language of Art. X requires LATF funds to be used for lands purchased after 2015. The trial court consolidated their cases and ultimately granted summary judgment in favor of the plaintiffs. The court of appeals, however, reversed.

The First District Court of Appeals (“DCA”) engaged in a textual analysis of Art. X and found that its language suggested funds to be used for lands already in the state’s possession. Further, the First DCA found that the language of Art. X contained no express limitation that restoration funds must be used on state-owned lands.

¹ Related property interests include: “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.”