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1 A bill to be entitled
2 An act relating to the Water Protection and Sustainability
3 Program Trust Fund; amending s. 201.15, F.S.; revising the
4 distribution of excise taxes on documents credited to the
5 Water Protection and Sustainability Program Trust Fund
6 within the Department of Environmental Protection;
7 amending s. 403.890, F.S.; revising the distribution of
8 funds within the Water Protection and Sustainability
9 Program Trust Fund by the department; reenacting ss.
10 403.891(1) and 403.8911(1) F.S., relating to the creation
11 and purpose of the Water Protection and Sustainability
12 Program Trust Fund and annual appropriations therefrom, to
13 incorporate the amendments made to s. 201.15, F.S., in
14 references thereto; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (d) of subsection (1) of section
19 201.15, Florida Statutes, is amended to read:

20 201.15 Distribution of taxes collected.--All taxes
21 collected under this chapter shall be distributed as follows and
22 shall be subject to the service charge imposed in s. 215.20(1),
23 except that such service charge shall not be levied against any
24 portion of taxes pledged to debt service on bonds to the extent
25 that the amount of the service charge is required to pay any
26 amounts relating to the bonds:

27 (1) Sixty-two and sixty-three hundredths percent of the
28 remaining taxes collected under this chapter shall be used for
29 the following purposes:

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PCB ENRC 07-09

ORIGINAL

2007

Deleted: BILL

Deleted: YEAR

30 (d) The remainder of the moneys distributed under this
 31 subsection, after the required payments under paragraphs (a),
 32 (b), and (c), shall be paid into the State Treasury to the credit
 33 of:

34 1. The State Transportation Trust Fund in the Department of
 35 Transportation in the amount of \$541.75 million in each fiscal
 36 year, to be paid in quarterly installments and used for the
 37 following specified purposes, notwithstanding any other law to
 38 the contrary:

39 a. For the purposes of capital funding for the New Starts
 40 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
 41 specified in s. 341.051, 10 percent of these funds;

42 b. For the purposes of the Small County Outreach Program
 43 specified in s. 339.2818, 5 percent of these funds;

44 c. For the purposes of the Strategic Intermodal System
 45 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
 46 of these funds after allocating for the New Starts Transit
 47 Program described in sub-subparagraph a. and the Small County
 48 Outreach Program described in sub-subparagraph b.; and

49 d. For the purposes of the Transportation Regional
 50 Incentive Program specified in s. 339.2819, 25 percent of these
 51 funds after allocating for the New Starts Transit Program
 52 described in sub-subparagraph a. and the Small County Outreach
 53 Program described in sub-subparagraph b.

54 2. The Water Protection and Sustainability Program Trust
 55 Fund in the Department of Environmental Protection in the amount
 56 of \$70 ~~\$100~~ million in each fiscal year, to be paid in quarterly
 57 installments and used as required by s. 403.890.

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PCB ENRC 07-09

ORIGINAL

2007

Deleted: BILL

Deleted: YEAR

58 3. The Public Education Capital Outlay and Debt Service
 59 Trust Fund in the Department of Education in the amount of \$105
 60 million in each fiscal year, to be paid in monthly installments
 61 with \$75 million used to fund the Classrooms for Kids Program
 62 created in s. 1013.735, and \$30 million to be used to fund the
 63 High Growth County District Capital Outlay Assistance Grant
 64 Program created in s. 1013.738. If required, new facilities
 65 constructed under the Classrooms for Kids Program must meet the
 66 requirements of s. 1013.372.

67 4. The Grants and Donations Trust Fund in the Department of
 68 Community Affairs in the amount of \$3.25 million in each fiscal
 69 year to be paid in monthly installments, with \$3 million to be
 70 used to fund technical assistance to local governments and school
 71 boards on the requirements and implementation of this act and
 72 \$250,000 to be used to fund the Century Commission established in
 73 s. 163.3247.

74
 75 Moneys distributed pursuant to this paragraph may not be pledged
 76 for debt service unless such pledge is approved by referendum of
 77 the voters.

78 Section 2. Subsection (1) of section 403.890, Florida
 79 Statutes, are amended to read:

80 403.890 Water Protection and Sustainability Program;
 81 intent; goals; purposes.--

82 (1) Effective July 1, 2006, revenues transferred from the
 83 Department of Revenue pursuant to s. 201.15(1)(d)2. shall be
 84 deposited into the Water Protection and Sustainability Program
 85 Trust Fund in the Department of Environmental Protection. These
 86 revenues and any other additional revenues deposited into or

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PCB ENRC 07-09

ORIGINAL

2007

Deleted: BILL

Deleted: YEAR

87 appropriated to the Water Protection and Sustainability Trust
 88 Fund shall be distributed by the Department of Environmental
 89 Protection in the following manner:

90 (a) Thirty million dollars ~~Sixty percent~~ to the Department
 91 of Environmental Protection for the implementation of an
 92 alternative water supply program as provided in s. 373.1961.

93 (b) Twenty million dollars ~~percent~~ for the implementation
 94 of best management practices and capital project expenditures
 95 necessary for the implementation of the goals of the total
 96 maximum daily loads program established in s. 403.067. Of these
 97 funds, 85 percent shall be transferred to the credit of the
 98 Department of Environmental Protection Water Quality Assurance
 99 Trust Fund to address water quality impacts associated with
 100 nonagricultural nonpoint sources. Fifteen percent of these funds
 101 shall be transferred to the Department of Agriculture and
 102 Consumer Services General Inspection Trust Fund to address water
 103 quality impacts associated with agricultural nonpoint sources.
 104 These funds shall be used for research, development,
 105 demonstration, and implementation of the total maximum daily load
 106 program under s. 403.067, suitable best management practices or
 107 other measures used to achieve water quality standards in surface
 108 waters and water segments identified pursuant to s. 303(d) of the
 109 Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 110 Implementation of best management practices and other measures
 111 may include cost-share grants, technical assistance,
 112 implementation tracking, and conservation leases or other
 113 agreements for water quality improvement. The Department of
 114 Environmental Protection and the Department of Agriculture and
 115 Consumer Services may adopt rules governing the distribution of

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PCB ENRC 07-09

ORIGINAL

2007

Deleted: BILL

Deleted: YEAR

116 funds for implementation of capital projects, best management
 117 practices, and other measures. These funds shall not be used to
 118 abrogate the financial responsibility of those point and nonpoint
 119 sources that have contributed to the degradation of water or land
 120 areas. Increased priority shall be given by the department and
 121 the water management district governing boards to those projects
 122 that have secured a cost-sharing agreement allocating
 123 responsibility for the cleanup of point and nonpoint sources.

124 (c) Ten million dollars ~~percent~~ shall be disbursed for the
 125 purposes of funding projects pursuant to ss. 373.451-373.459 or
 126 surface water restoration activities in water-management-
 127 district-designated priority water bodies. The Secretary of
 128 Environmental Protection shall ensure that each water management
 129 district receives the following percentage of funds annually:

- 130 1. Thirty-five percent to the South Florida Water
 131 Management District;
- 132 2. Twenty-five percent to the Southwest Florida Water
 133 Management District;
- 134 3. Twenty-five percent to the St. Johns River Water
 135 Management District;
- 136 4. Seven and one-half percent to the Suwannee River Water
 137 Management District; and
- 138 5. Seven and one-half percent to the Northwest Florida
 139 Water Management District.

140 (d) Ten million dollars ~~percent~~ to the Department of
 141 Environmental Protection for the Disadvantaged Small Community
 142 Wastewater Grant Program as provided in s. 403.1838.

143 (e) Beginning June 30, 2007, and every 24 months
 144 thereafter, the Department of Environmental Protection shall

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~~PCB ENRC 07-09~~

ORIGINAL

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145 request the return of all unencumbered funds distributed pursuant
 146 to this section. These funds shall be deposited into the Water
 147 Protection and Sustainability Program Trust Fund and
 148 redistributed pursuant to the provisions of this section.

149 Section 3. For the purpose of incorporating the amendment
 150 made by this act to section 201.15, Florida Statutes, in a
 151 reference thereto, subsection (1) of section 403.891, Florida
 152 Statutes, is reenacted to read:

153 403.891 Water Protection and Sustainability Program Trust
 154 Fund of the Department of Environmental Protection.--

155 (1) The Water Protection and Sustainability Program Trust
 156 Fund is created within the Department of Environmental
 157 Protection. The purpose of the trust fund is to receive funds
 158 pursuant to s. 201.15(1)(d)2., funds from other sources provided
 159 for in law and the General Appropriations Act, and funds received
 160 by the department in order to implement the provisions of the
 161 Water Sustainability and Protection Program created in s.
 162 403.890.

163 Section 4. For the purpose of incorporating the amendment
 164 made by this act to section 201.15, Florida Statutes, in a
 165 reference thereto, subsection (1) of section 403.8911, Florida
 166 Statutes, is reenacted to read:

167 403.8911 Annual appropriation from the Water Protection and
 168 Sustainability Trust Fund.--

169 (1) Funds paid into the Water Protection and Sustainability
 170 Trust Fund pursuant to s. 201.15(1)(d) are hereby annually
 171 appropriated for expenditure for the purposes for which the Water
 172 Protection and Sustainability Trust Fund is established.

173 Section 5. This act shall take effect July 1, 2007.