

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

The Committee on Natural Resources & Environmental Protection offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause and insert in lieu thereof:

Section 1. Section 403.1838, Florida Statutes, is amended to read:

403.1838 Small Community Sewer Construction Assistance Act.--

(1) This section may be cited as the "Small Community Sewer Construction Assistance Act."

(2) The department shall use funds specifically appropriated to award grants under this section to assist financially disadvantaged small communities with their needs for adequate sewer facilities. For purposes of this section, the term "financially disadvantaged small community" means a municipality with a population of 7,500 or less, according to the latest decennial census and a per capita annual income less than the state per capita annual income as determined by

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1 the United States Department of Commerce or a municipality or  
2 county government located within an area designated as a rural  
3 area of critical economic concern pursuant to s. 288.0656(7).

4 (3)(a) In accordance with rules adopted by the  
5 Environmental Regulation Commission under this section, the  
6 department may provide grants, from funds specifically  
7 appropriated for this purpose, to financially disadvantaged  
8 small communities for up to 100 percent of the costs of  
9 planning, designing, constructing, upgrading, or replacing  
10 wastewater collection, transmission, treatment, disposal, and  
11 reuse facilities, including necessary legal and administrative  
12 expenses.

13 (b) The rules of the Environmental Regulation  
14 Commission must:

15 1. Require that projects to plan, design, construct,  
16 upgrade, or replace wastewater collection, transmission,  
17 treatment, disposal, and reuse facilities be cost-effective,  
18 environmentally sound, permittable, and implementable.

19 2. Require appropriate user charges, connection fees,  
20 and other charges sufficient to ensure the long-term  
21 operation, maintenance, and replacement of the facilities  
22 constructed under each grant.

23 3. Require grant applications to be submitted on  
24 appropriate forms with appropriate supporting documentation,  
25 and require records to be maintained.

26 4. Establish a system to determine eligibility of  
27 grant applications.

28 5. Establish a system to determine the relative  
29 priority of grant applications. The system must consider  
30 public health protection, and water pollution abatement, and  
31 pending consent orders or other state or federal regulatory

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1 action.

2           6. Establish requirements for competitive procurement  
3 of engineering and construction services, materials, and  
4 equipment.

5           7. Provide for termination of grants when program  
6 requirements are not met.

7           (c) The department must perform adequate overview of  
8 each grant, including technical review, regular inspections,  
9 disbursement approvals, and auditing, to successfully  
10 implement this section.

11           (d) The department may use up to 2 percent of the  
12 grant funds made available each year for the costs of program  
13 administration.

14           (e) Any grant awarded before July 1, 1994, under this  
15 section, remains subject to the applicable department rules in  
16 existence on June 30, 1993, until all rule requirements have  
17 been met.

18           Section 2. Effective October 1, 2001, subsection (6)  
19 of section 212.20, Florida Statutes, is amended to read:

20           212.20 Funds collected, disposition; additional powers  
21 of department; operational expense; refund of taxes  
22 adjudicated unconstitutionally collected.--

23           (6) Distribution of all proceeds under this chapter  
24 shall be as follows:

25           (a) Proceeds from the convention development taxes  
26 authorized under s. 212.0305 shall be reallocated to the  
27 Convention Development Tax Clearing Trust Fund.

28           (b) Proceeds from discretionary sales surtaxes imposed  
29 pursuant to ss. 212.054 and 212.055 shall be reallocated to  
30 the Discretionary Sales Surtax Clearing Trust Fund.

31           (c) Proceeds from the tax imposed pursuant to s.

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1 212.06(5)(a)2. shall be reallocated to the Mail Order Sales  
2 Tax Clearing Trust Fund.

3 (d) Proceeds from the fees imposed under ss.  
4 212.05(1)(i)3. and 212.18(3) shall remain with the General  
5 Revenue Fund.

6 (e) The proceeds of all other taxes and fees imposed  
7 pursuant to this chapter shall be distributed as follows:

8 1. In any fiscal year, the greater of \$500 million,  
9 minus an amount equal to 4.6 percent of the proceeds of the  
10 taxes collected pursuant to chapter 201, or 5 percent of all  
11 other taxes and fees imposed pursuant to this chapter shall be  
12 deposited in monthly installments into the General Revenue  
13 Fund.

14 2. One-tenth ~~Two-tenths~~ of one percent shall be  
15 transferred to the Solid Waste Management Trust Fund and  
16 one-tenth shall be transferred to the Small Community Sewer  
17 Construction Trust Fund.

18 3. After the distribution under subparagraphs 1. and  
19 2., 9.653 percent of the amount remitted by a sales tax dealer  
20 located within a participating county pursuant to s. 218.61  
21 shall be transferred into the Local Government Half-cent Sales  
22 Tax Clearing Trust Fund.

23 4. After the distribution under subparagraphs 1., 2.,  
24 and 3., 0.065 percent shall be transferred to the Local  
25 Government Half-cent Sales Tax Clearing Trust Fund and  
26 distributed pursuant to s. 218.65.

27 5. For proceeds received after July 1, 2000, and after  
28 the distributions under subparagraphs 1., 2., 3., and 4., 2.25  
29 percent of the available proceeds pursuant to this paragraph  
30 shall be transferred monthly to the Revenue Sharing Trust Fund  
31 for Counties pursuant to s. 218.215.

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1           6. For proceeds received after July 1, 2000, and after  
2 the distributions under subparagraphs 1., 2., 3., and 4.,  
3 1.0715 percent of the available proceeds pursuant to this  
4 paragraph shall be transferred monthly to the Revenue Sharing  
5 Trust Fund for Municipalities pursuant to s. 218.215. If the  
6 total revenue to be distributed pursuant to this subparagraph  
7 is at least as great as the amount due from the Revenue  
8 Sharing Trust Fund for Municipalities and the Municipal  
9 Financial Assistance Trust Fund in state fiscal year  
10 1999-2000, no municipality shall receive less than the amount  
11 due from the Revenue Sharing Trust Fund for Municipalities and  
12 the Municipal Financial Assistance Trust Fund in state fiscal  
13 year 1999-2000. If the total proceeds to be distributed are  
14 less than the amount received in combination from the Revenue  
15 Sharing Trust Fund for Municipalities and the Municipal  
16 Financial Assistance Trust Fund in state fiscal year  
17 1999-2000, each municipality shall receive an amount  
18 proportionate to the amount it was due in state fiscal year  
19 1999-2000.

20           7. Of the remaining proceeds:

21           a. Beginning July 1, 2000, and in each fiscal year  
22 thereafter, the sum of \$29,915,500 shall be divided into as  
23 many equal parts as there are counties in the state, and one  
24 part shall be distributed to each county. The distribution  
25 among the several counties shall begin each fiscal year on or  
26 before January 5th and shall continue monthly for a total of 4  
27 months. If a local or special law required that any moneys  
28 accruing to a county in fiscal year 1999-2000 under the  
29 then-existing provisions of s. 550.135 be paid directly to the  
30 district school board, special district, or a municipal  
31 government, such payment shall continue until such time that

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1 the local or special law is amended or repealed. The state  
2 covenants with holders of bonds or other instruments of  
3 indebtedness issued by local governments, special districts,  
4 or district school boards prior to July 1, 2000, that it is  
5 not the intent of this subparagraph to adversely affect the  
6 rights of those holders or relieve local governments, special  
7 districts, or district school boards of the duty to meet their  
8 obligations as a result of previous pledges or assignments or  
9 trusts entered into which obligated funds received from the  
10 distribution to county governments under then-existing s.  
11 550.135. This distribution specifically is in lieu of funds  
12 distributed under s. 550.135 prior to July 1, 2000.

13         b. The department shall distribute \$166,667 monthly  
14 pursuant to s. 288.1162 to each applicant that has been  
15 certified as a "facility for a new professional sports  
16 franchise" or a "facility for a retained professional sports  
17 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be  
18 distributed monthly by the department to each applicant that  
19 has been certified as a "facility for a retained spring  
20 training franchise" pursuant to s. 288.1162; however, not more  
21 than \$208,335 may be distributed monthly in the aggregate to  
22 all certified facilities for a retained spring training  
23 franchise. Distributions shall begin 60 days following such  
24 certification and shall continue for not more than 30 years.  
25 Nothing contained in this paragraph shall be construed to  
26 allow an applicant certified pursuant to s. 288.1162 to  
27 receive more in distributions than actually expended by the  
28 applicant for the public purposes provided for in s.  
29 288.1162(6). However, a certified applicant is entitled to  
30 receive distributions up to the maximum amount allowable and  
31 undistributed under this section for additional renovations

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1 and improvements to the facility for the franchise without  
2 additional certification.

3 c. Beginning 30 days after notice by the Office of  
4 Tourism, Trade, and Economic Development to the Department of  
5 Revenue that an applicant has been certified as the  
6 professional golf hall of fame pursuant to s. 288.1168 and is  
7 open to the public, \$166,667 shall be distributed monthly, for  
8 up to 300 months, to the applicant.

9 d. Beginning 30 days after notice by the Office of  
10 Tourism, Trade, and Economic Development to the Department of  
11 Revenue that the applicant has been certified as the  
12 International Game Fish Association World Center facility  
13 pursuant to s. 288.1169, and the facility is open to the  
14 public, \$83,333 shall be distributed monthly, for up to 168  
15 months, to the applicant. This distribution is subject to  
16 reduction pursuant to s. 288.1169. A lump sum payment of  
17 \$999,996 shall be made, after certification and before July 1,  
18 2000.

19 8. All other proceeds shall remain with the General  
20 Revenue Fund.

21 Section 3. This act shall take effect July 1, 2001.

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23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 1, lines 1-10

27 remove from the title of the bill: all of said lines

28

29 and insert in lieu thereof:

30 An act relating to small community sewer

31 construction assistance; amending s. 403.1838,

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1 F.S.; providing considerations for grant  
2 eligibility; amending s. 212.20, F.S.;  
3 providing for a reallocation of sales tax  
4 proceeds; providing an effective date.  
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