

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

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Agriculture & Consumer Affairs offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause

and insert:

Section 1. Section 403.185, Florida Statutes, is created to read:

403.185 Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund.--

(1) There is created the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund to be administered by the Department of Community Affairs for the purpose of funding priority wastewater and stormwater management projects in the Florida Keys and Key West Areas of Critical State Concern.

(2) The trust fund shall be credited with state appropriations made by law and with funds from state and federal grants.

(3)(a) The Department of Community Affairs may award

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1 funds from the trust fund to a local government agency,
2 including the Florida Keys Aqueduct Authority, responsible for
3 wastewater or stormwater management services.

4 (b) Funds may be awarded to cover the costs of
5 engineering design, construction and construction-related
6 services, and construction supervision. Planning costs are
7 not eligible for funding.

8 (4) The Department of Community Affairs also may award
9 funds from the trust fund to property owners for the purpose
10 of upgrading unpermitted individual residential onsite
11 treatment and disposal systems, consistent with the
12 requirements of chapter 99-395, Laws of Florida, in areas not
13 planned for central wastewater facilities by 2010.

14 (5) The Department of Community Affairs may establish
15 a maximum amount of funds to be awarded to any one recipient
16 in any given year or in total. In awarding funds, the
17 department may consider the rate impacts on customers in an
18 effort to equalize those impacts to the extent practical.

19 (6) The Department of Community of Affairs may award
20 funds only for projects that are consistent with:

21 (a) The Monroe County Wastewater Master Plan and any
22 locally adopted wastewater master plan; or

23 (b) A locally adopted stormwater master plan.

24 (7) The Department of Community Affairs may award
25 funds for the specific purpose of making affordable a loan
26 under s. 403.1835. Affordability criteria shall be
27 established by the Department of Community Affairs, in
28 consultation with the Department of Environmental Protection.

29 (8) The Department of Community Affairs, in
30 consultation with the Department of Environmental Protection,
31 shall prioritize ready-to-proceed projects for the purpose of

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1 awarding money from the trust fund. Priority considerations
2 may include, but are not limited to, the extent of public
3 health protection and water quality improvement expected of
4 the project. For purposes of this section, readiness to
5 proceed means, at a minimum, that a project sponsor has
6 demonstrated and documented the following:

7 (a) That it has the financial capability to construct
8 the project with the assistance provided and any other legally
9 available funds.

10 (b) That, in the case of wastewater projects, it has
11 enforceable sewer use policies.

12 (c) That it has a program to provide assistance to
13 low-income residents to help defray the impact of rates and
14 fees.

15 (d) That it will be able to proceed with construction,
16 or with a design-build project, at a definite cost based on a
17 firm bid or proposal.

18 (e) That the plan, project costs, rate and fee
19 impacts, and overall implications of the project have been
20 presented to the public affected by the project.

21 (9) The Department of Community Affairs shall adopt
22 rules pursuant to ss. 120.536(1) and 120.54 necessary to
23 administer subsections (3)-(8).

24 (10) Notwithstanding the provisions of s. 216.301 and
25 pursuant to s. 216.351, any balance in the trust fund at the
26 end of any fiscal year shall remain in the trust fund at the
27 end of the year and shall be available for carrying out the
28 purposes of the trust fund.

29 (11) Pursuant to the provisions of s. 19(f)(2), Art.
30 III of the State Constitution, the trust fund shall, unless
31 terminated sooner, be terminated on July 1, 2006. Prior to

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1 its scheduled termination, the trust fund shall be reviewed as
2 provided in s. 215.3206.

3 Section 2. This act shall take effect July 1, 2002.
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6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 remove everything before the enacting clause
9

10 and insert:

11 A bill to be entitled
12 An act relating to trust funds; creating s.
13 403.185, F.S.; creating the Florida Keys and
14 Key West Areas of Critical State Concern
15 Wastewater and Stormwater Trust Fund to be
16 administered by the Department of Community
17 Affairs; providing sources of funds; providing
18 purposes and administrative provisions with
19 respect to such purposes; providing rulemaking
20 authority for such administrative provisions;
21 providing for annual carryforward of funds;
22 providing for future review and termination or
23 re-creation of the trust fund; providing an
24 effective date.
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