

By the Council for Smarter Government and Representative Sorensen

1 A bill to be entitled
2 An act relating to trust funds; creating s.
3 403.185, F.S.; creating the Florida Keys and
4 Key West Areas of Critical State Concern
5 Wastewater and Stormwater Trust Fund to be
6 administered by the Department of Community
7 Affairs; providing sources of funds; providing
8 purposes and administrative provisions with
9 respect to such purposes; providing rulemaking
10 authority for such administrative provisions;
11 providing for annual carryforward of funds;
12 providing for future review and termination or
13 re-creation of the trust fund; providing an
14 effective date.

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

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

20 403.185 Florida Keys and Key West Areas of Critical
21 State Concern Wastewater and Stormwater Trust Fund.--

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

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

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1 (3)(a) The Department of Community Affairs may award
2 funds from the trust fund to a local government agency,
3 including the Florida Keys Aqueduct Authority, responsible for
4 wastewater or stormwater management services.

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

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

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

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

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

24 (b) A locally adopted stormwater master plan.

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

30 (8) The Department of Community Affairs, in
31 consultation with the Department of Environmental Protection,

1 shall prioritize ready-to-proceed projects for the purpose of
2 awarding money from the trust fund. Priority considerations
3 may include, but are not limited to, the extent of public
4 health protection and water quality improvement expected of
5 the project. For purposes of this section, readiness to
6 proceed means, at a minimum, that a project sponsor has
7 demonstrated and documented the following:
8 (a) That it has the financial capability to construct
9 the project with the assistance provided and any other legally
10 available funds.
11 (b) That, in the case of wastewater projects, it has
12 enforceable sewer use policies.
13 (c) That it has a program to provide assistance to
14 low-income residents to help defray the impact of rates and
15 fees.
16 (d) That it will be able to proceed with construction,
17 or with a design-build project, at a definite cost based on a
18 firm bid or proposal.
19 (e) That the plan, project costs, rate and fee
20 impacts, and overall implications of the project have been
21 presented to the public affected by the project.
22 (9) The Department of Community Affairs may adopt
23 rules pursuant to ss. 120.536(1) and 120.54 necessary to
24 administer subsections (3)-(8).
25 (10) Notwithstanding the provisions of s. 216.301 and
26 pursuant to s. 216.351, any balance in the trust fund at the
27 end of any fiscal year shall remain in the trust fund at the
28 end of the year and shall be available for carrying out the
29 purposes of the trust fund.
30 (11) Pursuant to the provisions of s. 19(f)(2), Art.
31 III of the State Constitution, the trust fund shall, unless

1 terminated sooner, be terminated on July 1, 2006. Prior to
2 its scheduled termination, the trust fund shall be reviewed as
3 provided in s. 215.3206.

4 Section 2. This act shall take effect July 1, 2002.
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