



HB 0101

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A bill to be entitled
 An act relating to trust funds; creating s. 403.185, F.S.;
 creating 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;
 providing sources of funds; providing purposes and
 administrative provisions with respect to such purposes;
 providing rulemaking authority for such administrative
 provisions; providing for annual carryforward of funds;
 providing for future review and termination or re-creation
 of the trust fund; providing for termination of the trust
 fund following removal of the area of critical state
 concern designation from the Florida Keys and Key West
 Areas; providing an effective date.

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

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.



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

35 (b) Funds may be awarded to cover the costs of engineering
 36 design, construction and construction-related services, and
 37 construction supervision. Planning costs are not eligible for
 38 funding.

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

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

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

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

54 (b) A locally adopted stormwater master plan.

55 (7) The Department of Community Affairs may award funds
 56 for the specific purpose of making affordable a loan under s.
 57 403.1835. Affordability criteria shall be established by the
 58 Department of Community Affairs, in consultation with the
 59 Department of Environmental Protection.



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60 (8) The Department of Community Affairs, in consultation
61 with the Department of Environmental Protection, shall
62 prioritize ready-to-proceed projects for the purpose of awarding
63 money from the trust fund. Priority considerations may include,
64 but are not limited to, the extent of public health protection
65 and water quality improvement expected of the project. For
66 purposes of this section, readiness to proceed means, at a
67 minimum, that a project sponsor has demonstrated and documented
68 the following:

69 (a) That it has the financial capability to construct the
70 project with the assistance provided and any other legally
71 available funds.

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

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

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

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

82 (9) The Department of Community Affairs may adopt rules
83 pursuant to ss. 120.536(1) and 120.54 necessary to administer
84 subsections (3)-(8).

85 (10) Notwithstanding the provisions of s. 216.301 and
86 pursuant to s. 216.351, any balance in the trust fund at the end
87 of any fiscal year shall remain in the trust fund at the end of
88 the year and shall be available for carrying out the purposes of
89 the trust fund.



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90 (11) Pursuant to the provisions of s. 19(f)(2), Art. III
91 of the State Constitution, the trust fund shall, unless
92 terminated sooner, be terminated on July 1, 2007. Prior to its
93 scheduled termination, the trust fund shall be reviewed as
94 provided in s. 215.3206.

95 (12) The trust fund, if not repealed sooner pursuant to
96 subsection (11), shall be repealed 5 years after the date the
97 area of critical state concern designation is removed from both
98 the Florida Keys and Key West Areas.

99 Section 2. This act shall take effect July 1, 2003.