



HB 0101

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CHAMBER ACTION

The Committee on Natural Resources recommends the following:

Committee Substitute

Remove the entire bill and insert:

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:



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29 403.185 Florida Keys and Key West Areas of Critical State
30 Concern Wastewater and Stormwater Trust Fund.--

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

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

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

44 (b) Funds may be awarded to cover the costs of engineering
45 design, construction and construction-related services, and
46 construction supervision. Planning costs are not eligible for
47 funding.

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

54 (5) The Department of Community Affairs may establish a
55 maximum amount of funds to be awarded to any one recipient in
56 any given year or in total. In awarding funds, the department



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57 | may consider the rate impacts on customers in an effort to
58 | equalize those impacts to the extent practicable.

59 | (6) The Department of Community Affairs may award funds
60 | only for projects that are consistent with:

61 | (a) The Monroe County Wastewater Master Plan and any
62 | locally adopted wastewater master plan; or

63 | (b) A locally adopted stormwater master plan.

64 | (7) The Department of Community Affairs may award funds
65 | for the specific purpose of making affordable a loan under s.
66 | 403.1835. Affordability criteria shall be established by the
67 | Department of Community Affairs, in consultation with the
68 | Department of Environmental Protection.

69 | (8) The Department of Community Affairs, in consultation
70 | with the Department of Environmental Protection, shall
71 | prioritize ready-to-proceed local government projects for the
72 | purpose of awarding money from the trust fund. Priority
73 | considerations may include, but are not limited to, the extent
74 | of public health protection and water quality improvement
75 | expected of the project. For purposes of this section, readiness
76 | to proceed means, at a minimum, that a project sponsor has
77 | demonstrated and documented the following:

78 | (a) That it has the financial capability to construct the
79 | project with the assistance provided and any other legally
80 | available funds.

81 | (b) That, in the case of wastewater projects, it has
82 | enforceable sewer use policies.

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



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

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

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

94 (10) Notwithstanding the provisions of s. 216.301 and
95 pursuant to s. 216.351, any balance in the trust fund at the end
96 of any fiscal year shall remain in the trust fund at the end of
97 the year and shall be available for carrying out the purposes of
98 the trust fund.

99 (11) Pursuant to the provisions of s. 19(f)(2), Art. III
100 of the State Constitution, the trust fund shall, unless
101 terminated sooner, be terminated on July 1, 2007. Prior to its
102 scheduled termination, the trust fund shall be reviewed as
103 provided in s. 215.3206.

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

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