

By Senator Garcia

40-965-03

See HB 101

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 for
14 termination of the trust fund following removal
15 of the area of critical state concern
16 designation from the Florida Keys and Key West
17 Areas; providing an effective date.

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

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

23 403.185 Florida Keys and Key West Areas of Critical
24 State Concern Wastewater and Stormwater Trust Fund.--

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

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

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

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

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

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

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

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

27 (b) A locally adopted stormwater master plan.

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

3 (8) The Department of Community Affairs, in
4 consultation with the Department of Environmental Protection,
5 shall prioritize ready-to-proceed projects for the purpose of
6 awarding money from the trust fund. Priority considerations
7 may include, but are not limited to, the extent of public
8 health protection and water quality improvement expected of
9 the project. For purposes of this section, readiness to
10 proceed means, at a minimum, that a project sponsor has
11 demonstrated and documented the following:

12 (a) That it has the financial capability to construct
13 the project with the assistance provided and any other legally
14 available funds.

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

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

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

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

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

29 (10) Notwithstanding the provisions of s. 216.301 and
30 pursuant to s. 216.351, any balance in the trust fund at the
31 end of any fiscal year shall remain in the trust fund at the

1 end of the year and shall be available for carrying out the
2 purposes of the trust fund.

3 (11) Pursuant to the provisions of s. 19(f)(2), Art.
4 III of the State Constitution, the trust fund shall, unless
5 terminated sooner, be terminated on July 1, 2007. Prior to its
6 scheduled termination, the trust fund shall be reviewed as
7 provided in s. 215.3206.

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

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

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