

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative(s) Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Paragraph (d) of subsection (1) of section
6 201.15, Florida Statutes, is amended to read:

7 201.15 Distribution of taxes collected.--All taxes
8 collected under this chapter shall be distributed as follows and
9 shall be subject to the service charge imposed in s. 215.20(1),
10 except that such service charge shall not be levied against any
11 portion of taxes pledged to debt service on bonds to the extent
12 that the amount of the service charge is required to pay any
13 amounts relating to the bonds:

14 (1) Sixty-two and sixty-three hundredths percent of the
15 remaining taxes collected under this chapter shall be used for
16 the following purposes:

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17 (d) The remainder of the moneys distributed under this
18 subsection, after the required payments under paragraphs (a),
19 (b), and (c), shall be paid into the State Treasury to the
20 credit of:

21 1. The State Transportation Trust Fund in the Department
22 of Transportation in the amount of \$541.75 million in each
23 fiscal year, to be paid in quarterly installments and used for
24 the following specified purposes, notwithstanding any other law
25 to the contrary:

26 a. For the purposes of capital funding for the New Starts
27 Transit Program, authorized by Title 49, U.S.C. s. 5309 and
28 specified in s. 341.051, 10 percent of these funds;

29 b. For the purposes of the Small County Outreach Program
30 specified in s. 339.2818, 5 percent of these funds;

31 c. For the purposes of the Strategic Intermodal System
32 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
33 of these funds after allocating for the New Starts Transit
34 Program described in sub-subparagraph a. and the Small County
35 Outreach Program described in sub-subparagraph b.; and

36 d. For the purposes of the Transportation Regional
37 Incentive Program specified in s. 339.2819, 25 percent of these
38 funds after allocating for the New Starts Transit Program
39 described in sub-subparagraph a. and the Small County Outreach
40 Program described in sub-subparagraph b.

41 2. The Water Protection and Sustainability Program Trust
42 Fund in the Department of Environmental Protection in the amount
43 of \$70 ~~\$100~~ million in fiscal year 2007-2008 and \$60 million in

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44 each fiscal year thereafter, to be paid in quarterly
45 installments and used as required by s. 403.890.

46 3. The Grants and Donations Trust Fund in the Department
47 of Community Affairs in the amount of \$3.25 million in each
48 fiscal year to be paid in monthly installments, with \$3 million
49 to be used to fund technical assistance to local governments and
50 school boards on the requirements and implementation of this act
51 and \$250,000 to be used to fund the Century Commission
52 established in s. 163.3247.

53
54 Moneys distributed pursuant to this paragraph may not be pledged
55 for debt service unless such pledge is approved by referendum of
56 the voters.

57 Section 2. Paragraph (b) of subsection (3) of section
58 373.1961, Florida Statutes, is amended to read:

59 373.1961 Water production; general powers and duties;
60 identification of needs; funding criteria; economic incentives;
61 reuse funding.--

62 (3) FUNDING.--

63 (b) Beginning in fiscal year 2005-2006, the state shall
64 annually provide a portion of those revenues deposited into the
65 Water Protection and Sustainability Program Trust Fund for the
66 purpose of providing funding assistance for the development of
67 alternative water supplies pursuant to the Water Protection and
68 Sustainability Program. At the beginning of each fiscal year,
69 beginning with fiscal year 2005-2006, such revenues shall be
70 distributed by the department into the alternative water supply
71 trust fund accounts created by each district for the purpose of
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72 alternative water supply development under the following funding
73 formula:

74 1. Thirty percent to the South Florida Water Management
75 District;

76 2. Twenty-five percent to the Southwest Florida Water
77 Management District;

78 3. Twenty-five percent to the St. Johns River Water
79 Management District;

80 4. Ten percent to the Suwannee River Water Management
81 District; and

82 5. Ten percent to the Northwest Florida Water Management
83 District.

84 Section 3. Subsections (1) and (2) of section 403.890,
85 Florida Statutes, are amended to read:

86 403.890 Water Protection and Sustainability Program;
87 intent; goals; purposes.--

88 (1) Effective July 1, 2006, revenues transferred from the
89 Department of Revenue pursuant to s. 201.15(1)(d)2. shall be
90 deposited into the Water Protection and Sustainability Program
91 Trust Fund in the Department of Environmental Protection. These
92 revenues and any other additional revenues deposited into or
93 appropriated to the Water Protection and Sustainability Program
94 Trust Fund shall be distributed by the Department of
95 Environmental Protection in the following manner:

96 (a) The sum of \$42,750,000 in fiscal year 2007-2008 and
97 \$37 million in each fiscal year thereafter ~~Sixty percent~~ to the
98 Department of Environmental Protection for the implementation of
99 an alternative water supply program as provided in s. 373.1961.

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100 (b) The sum of \$7,250,000 in fiscal year 2007-2008 and \$3
101 million in each fiscal year thereafter ~~Twenty percent~~ for the
102 implementation of best management practices and capital project
103 expenditures necessary for the implementation of the goals of
104 the total maximum daily loads program established in s. 403.067.
105 Of these funds, \$4,250,000 ~~85 percent~~ shall be transferred to
106 the credit of the Department of Environmental Protection Water
107 Quality Assurance Trust Fund to address water quality impacts
108 associated with nonagricultural nonpoint sources in fiscal year
109 2007-2008. ~~Fifteen percent~~ Of these funds, \$3 million in fiscal
110 year 2007-2008 and \$3 million in each fiscal year thereafter
111 shall be transferred to the Department of Agriculture and
112 Consumer Services General Inspection Trust Fund to address water
113 quality impacts associated with agricultural nonpoint sources.
114 These funds shall be used for research, development,
115 demonstration, and implementation of the total maximum daily
116 load program under s. 403.067, suitable best management
117 practices or other measures used to achieve water quality
118 standards in surface waters and water segments identified
119 pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-
120 500, 33 U.S.C. ss. 1251 et seq. Implementation of best
121 management practices and other measures may include cost-share
122 grants, technical assistance, implementation tracking, and
123 conservation leases or other agreements for water quality
124 improvement. The Department of Environmental Protection and the
125 Department of Agriculture and Consumer Services may adopt rules
126 governing the distribution of funds for implementation of
127 capital projects, best management practices, and other measures.

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128 These funds shall not be used to abrogate the financial
129 responsibility of those point and nonpoint sources that have
130 contributed to the degradation of water or land areas. Increased
131 priority shall be given by the department and the water
132 management district governing boards to those projects that have
133 secured a cost-sharing agreement allocating responsibility for
134 the cleanup of point and nonpoint sources.

135 (c) The sum of \$10 million in each fiscal year ~~Ten percent~~
136 shall be disbursed for the purposes of funding projects pursuant
137 to ss. 373.451-373.459 or surface water restoration activities
138 in water-management-district-designated priority water bodies.
139 The Secretary of Environmental Protection shall ensure that each
140 water management district receives the following percentage of
141 funds annually:

142 1. Thirty-five percent to the South Florida Water
143 Management District;

144 2. Twenty-five percent to the Southwest Florida Water
145 Management District;

146 3. Twenty-five percent to the St. Johns River Water
147 Management District;

148 4. Seven and one-half percent to the Suwannee River Water
149 Management District; and

150 5. Seven and one-half percent to the Northwest Florida
151 Water Management District.

152 (d) The sum of \$10 million in each fiscal year ~~Ten percent~~
153 to the Department of Environmental Protection for the
154 Disadvantaged Small Community Wastewater Grant Program as
155 provided in s. 403.1838.

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156 (e) Beginning June 30, 2007, and every 24 months
157 thereafter, the Department of Environmental Protection shall
158 request the return of all unencumbered funds distributed
159 pursuant to this section. These funds shall be deposited into
160 the Water Protection and Sustainability Program Trust Fund and
161 redistributed pursuant to the provisions of this section.

162 (2) For fiscal year 2005-2006, funds deposited or
163 appropriated into the Water Protection and Sustainability
164 Program Trust Fund shall be distributed as follows:

165 (a) One hundred million dollars to the Department of
166 Environmental Protection for the implementation of an
167 alternative water supply program as provided in s. 373.1961.

168 (b) Funds remaining after the distribution provided for in
169 subsection (1) shall be distributed as follows:

170 1. Fifty percent for the implementation of best management
171 practices and capital project expenditures necessary for the
172 implementation of the goals of the total maximum daily loads
173 program established in s. 403.067. Of these funds, 85 percent
174 shall be transferred to the credit of the Department of
175 Environmental Protection Water Quality Assurance Trust Fund to
176 address water quality impacts associated with nonagricultural
177 nonpoint sources. Fifteen percent of these funds shall be
178 transferred to the Department of Agriculture and Consumer
179 Services General Inspection Trust Fund to address water quality
180 impacts associated with agricultural nonpoint sources. These
181 funds shall be used for research, development, demonstration,
182 and implementation of suitable best management practices or
183 other measures used to achieve water quality standards in

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184 surface waters and water segments identified pursuant to s.
185 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.
186 1251 et seq. Implementation of best management practices and
187 other measures may include cost-share grants, technical
188 assistance, implementation tracking, and conservation leases or
189 other agreements for water quality improvement. The Department
190 of Environmental Protection and the Department of Agriculture
191 and Consumer Services may adopt rules governing the distribution
192 of funds for implementation of best management practices. These
193 funds shall not be used to abrogate the financial responsibility
194 of those point and nonpoint sources that have contributed to the
195 degradation of water or land areas. Increased priority shall be
196 given by the department and the water management district
197 governing boards to those projects that have secured a cost-
198 sharing agreement allocating responsibility for the cleanup of
199 point and nonpoint sources.

200 2. Twenty-five percent for the purposes of funding
201 projects pursuant to ss. 373.451-373.459 or surface water
202 restoration activities in water-management-district-designated
203 priority water bodies. The Secretary of Environmental Protection
204 shall ensure that each water management district receives the
205 following percentage of funds annually:

206 a. Thirty-five percent to the South Florida Water
207 Management District;

208 b. Twenty-five percent to the Southwest Florida Water
209 Management District;

210 c. Twenty-five percent to the St. Johns River Water
211 Management District;

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212 d. Seven and one-half percent to the Suwannee River Water
213 Management District; and

214 e. Seven and one-half percent to the Northwest Florida
215 Water Management District.

216 3. Twenty-five percent to the Department of Environmental
217 Protection for the Disadvantaged Small Community Wastewater
218 Grant Program as provided in s. 403.1838.

219
220 Prior to the end of the 2008 Regular Session, the Legislature
221 must review the distribution of funds under the Water Protection
222 and Sustainability Program to determine if revisions to the
223 funding formula are required. At the discretion of the President
224 of the Senate and the Speaker of the House of Representatives,
225 the appropriate substantive committees of the Legislature may
226 conduct an interim project to review the Water Protection and
227 Sustainability Program and the funding formula and make written
228 recommendations to the Legislature proposing necessary changes,
229 if any.

230 Section 4. For the purpose of incorporating the amendment
231 made by this act to section 201.15, Florida Statutes, in a
232 reference thereto, subsection (1) of section 403.891, Florida
233 Statutes, is reenacted to read:

234 403.891 Water Protection and Sustainability Program Trust
235 Fund of the Department of Environmental Protection.--

236 (1) The Water Protection and Sustainability Program Trust
237 Fund is created within the Department of Environmental
238 Protection. The purpose of the trust fund is to receive funds
239 pursuant to s. 201.15(1)(d)2., funds from other sources provided
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240 for in law and the General Appropriations Act, and funds
241 received by the department in order to implement the provisions
242 of the Water Sustainability and Protection Program created in s.
243 403.890.

244 Section 5. Section 403.8911, Florida Statutes, is amended
245 to read:

246 403.8911 Annual appropriation from the Water Protection
247 and Sustainability Program Trust Fund.--

248 ~~(1)~~ Funds paid into the Water Protection and
249 Sustainability Program Trust Fund pursuant to s. 201.15(1)(d)
250 are hereby annually appropriated for expenditure for the
251 purposes for which the Water Protection and Sustainability
252 Program Trust Fund is established.

253 ~~(2) If the Water Protection and Sustainability Trust Fund~~
254 ~~is not created, such funds are hereby annually appropriated for~~
255 ~~expenditure from the Ecosystem Management and Restoration Trust~~
256 ~~Fund solely for the purposes established in s. 403.890.~~

257 Section 6. This act shall take effect upon becoming a law.
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259

260 ===== T I T L E A M E N D M E N T =====

261 Remove the entire title and insert:

262 A bill to be entitled

263 An act relating to distribution of proceeds from excise
264 tax on documents; amending s. 201.15, F.S.; revising the
265 amounts of excise taxes on documents distributed to the
266 Water Protection and Sustainability Program Trust Fund;
267 amending s. 403.890, F.S.; revising amounts distributed by

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HOUSE AMENDMENT

Bill No. CS/SB 24C

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268 the Department of Environmental Protection from the Water
269 Protection and Sustainability Program Trust Fund;
270 reenacting s. 403.891(1), F.S., relating to the Water
271 Protection and Sustainability Program Trust Fund of the
272 Department of Environmental Protection; amending ss.
273 373.1961 and 403.8911, F.S.; correcting a trust fund name;
274 removing an obsolete provision; providing an effective
275 date.

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