

By the Committee on General Government Appropriations; and
Senator Alexander

601-452-08

1 A bill to be entitled
2 An act relating to trust funds; amending s.
3 201.15, F.S.; revising the amount of revenue
4 from the excise tax which is deposited into the
5 Water Protection and Sustainability Program
6 Trust Fund, the Conservation and Recreation
7 Lands Trust Fund, and the Invasive Plant
8 Control Trust Fund in the Department of
9 Environmental Protection and the State Game
10 Trust Fund and the Marine Resources
11 Conservation Trust Fund in the Fish and
12 Wildlife Conservation Commission; repealing s.
13 370.0603(3)(a), F.S., relating to the use of
14 funds distributed from the Marine Resources
15 Conservation Trust Fund; amending s. 403.890,
16 F.S.; revising the distribution of funds into
17 the Water Protection and Sustainability Program
18 Trust Fund to conform to changes made by the
19 act; requiring the Department of Environmental
20 Protection to reallocate funds to conform to
21 changes in distributions made by the act;
22 providing effective dates.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. Paragraph (d) of subsection (1) and
27 subsections (5), (6), and (11) of section 201.15, Florida
28 Statutes, are amended to read:

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be distributed as follows
31 and shall be subject to the service charge imposed in s.

1 215.20(1), except that such service charge shall not be levied
2 against any portion of taxes pledged to debt service on bonds
3 to the extent that the amount of the service charge is
4 required to pay any amounts relating to the bonds:

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

8 (d) The remainder of the moneys distributed under this
9 subsection, after the required payments under paragraphs (a),
10 (b), and (c), shall be paid into the State Treasury to the
11 credit of:

12 1. The State Transportation Trust Fund in the
13 Department of Transportation in the amount of \$541.75 million
14 in each fiscal year, to be paid in quarterly installments and
15 used for the following specified purposes, notwithstanding any
16 other law to the contrary:

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

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

22 c. For the purposes of the Strategic Intermodal System
23 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
24 percent of these funds after allocating for the New Starts
25 Transit Program described in sub-subparagraph a. and the Small
26 County Outreach Program described in sub-subparagraph b.; and

27 d. For the purposes of the Transportation Regional
28 Incentive Program specified in s. 339.2819, 25 percent of
29 these funds after allocating for the New Starts Transit
30 Program described in sub-subparagraph a. and the Small County
31 Outreach Program described in sub-subparagraph b.

1 2. For the 2007-2008 fiscal year and each fiscal year
2 thereafter, the Water Protection and Sustainability Program
3 Trust Fund in the Department of Environmental Protection in
4 the amount of ~~\$80~~\$100 million in each fiscal year, to be paid
5 in quarterly installments and used as required by s. 403.890.

6 3. The Grants and Donations Trust Fund in the
7 Department of Community Affairs in the amount of \$3.25 million
8 in each fiscal year to be paid in monthly installments, with
9 \$3 million to be used to fund technical assistance to local
10 governments and school boards on the requirements and
11 implementation of this act and \$250,000 to be used to fund the
12 Century Commission established in s. 163.3247.

13
14 Moneys distributed pursuant to this paragraph may not be
15 pledged for debt service unless such pledge is approved by
16 referendum of the voters.

17 (5)a. For the 2007-2008 fiscal year, 3.87 ~~Four and~~
18 ~~two-tenths~~ percent of the remaining taxes collected under this
19 chapter shall be paid into the State Treasury to the credit of
20 the Conservation and Recreation Lands Trust Fund to carry out
21 the purposes set forth in s. 259.032. Ten and two-tenths ~~Nine~~
22 ~~and one-half~~ percent of the amount credited to the
23 Conservation and Recreation Lands Trust Fund pursuant to this
24 subsection shall be transferred to the State Game Trust Fund
25 and used for land management activities.

26 b. Beginning July 1, 2008, 3.52 percent of the
27 remaining taxes collected under this chapter shall be paid
28 into the State Treasury to the credit of the Conservation and
29 Recreation Lands Trust Fund to carry out the purposes set
30 forth in s. 259.032. Eleven and fifteen hundredths percent of
31 the amount credited to the Conservation and Recreation Lands

1 Trust Fund pursuant to this subsection shall be transferred to
2 the State Game Trust Fund and used for land management
3 activities.

4 (6) The lesser of two and twenty-eight hundredths
5 percent of the remaining taxes collected under this chapter or
6 ~~\$34.25~~~~\$36.1~~ million in each fiscal year shall be paid into
7 the State Treasury to the credit of the Invasive Plant Control
8 Trust Fund to carry out the purposes set forth in ss. 369.22
9 and 369.252 and for water projects as provided in the General
10 Appropriations Act.

11 (11) From the moneys specified in paragraphs (1)(e)
12 and (2)(a) and prior to deposit of any moneys into the General
13 Revenue Fund, \$30 million shall be paid into the State
14 Treasury to the credit of the Ecosystem Management and
15 Restoration Trust Fund in fiscal year 2000-2001 and each
16 fiscal year thereafter, to be used for the preservation and
17 repair of the state's beaches as provided in ss.

18 161.091-161.212, ~~\$850,000~~~~\$2 million~~ shall be paid into the
19 State Treasury to the credit of the Marine Resources
20 Conservation Trust Fund to be used for marine mammal care as
21 provided in s. 370.0603(3), and \$300,000 shall be paid into
22 the State Treasury to the credit of the General Inspection
23 Trust Fund in fiscal year 2006-2007 and each fiscal year
24 thereafter, to be used to fund oyster management and
25 restoration programs as provided in s. 370.07(3).

26 Section 2. Effective July 1, 2008, subsection (6) of
27 section 201.15, Florida Statutes, as amended by section 43 of
28 chapter 2007-73, Laws of Florida, is amended to read:

29 201.15 Distribution of taxes collected.--All taxes
30 collected under this chapter shall be distributed as follows
31 and shall be subject to the service charge imposed in s.

1 215.20(1), except that such service charge shall not be levied
2 against any portion of taxes pledged to debt service on bonds
3 to the extent that the amount of the service charge is
4 required to pay any amounts relating to the bonds:

5 (6) Beginning July 1, 2008, the lesser of two and
6 twenty-eight hundredths percent of the remaining taxes
7 collected under this chapter or ~~\$32.25~~^{\$36.1} million in each
8 fiscal year shall be paid into the State Treasury to the
9 credit of the Invasive Plant Control Trust Fund to carry out
10 the purposes set forth in ss. 369.22 and 369.252.

11 Section 3. Paragraph (a) of subsection (3) of section
12 370.0603, Florida Statutes, is repealed.

13 Section 4. Section 403.890, Florida Statutes, is
14 amended to read:

15 403.890 Water Protection and Sustainability Program;
16 intent; goals; purposes.--

17 (1) Effective July 1, 2006, revenues transferred from
18 the Department of Revenue pursuant to s. 201.15(1)(d)2. shall
19 be deposited into the Water Protection and Sustainability
20 Program Trust Fund in the Department of Environmental
21 Protection. These revenues and any other additional revenues
22 deposited into or appropriated to the Water Protection and
23 Sustainability Trust Fund shall be distributed by the
24 Department of Environmental Protection in the following
25 manner:

26 (a) Sixty percent to the Department of Environmental
27 Protection for the implementation of an alternative water
28 supply program as provided in s. 373.1961.

29 (b) Twenty percent for the implementation of best
30 management practices and capital project expenditures
31 necessary for the implementation of the goals of the total

1 maximum daily loads program established in s. 403.067. Of
2 these funds, 85 percent shall be transferred to the credit of
3 the Department of Environmental Protection Water Quality
4 Assurance Trust Fund to address water quality impacts
5 associated with nonagricultural nonpoint sources. Fifteen
6 percent of these funds shall be transferred to the Department
7 of Agriculture and Consumer Services General Inspection Trust
8 Fund to address water quality impacts associated with
9 agricultural nonpoint sources. These funds shall be used for
10 research, development, demonstration, and implementation of
11 the total maximum daily load program under s. 403.067,
12 suitable best management practices or other measures used to
13 achieve water quality standards in surface waters and water
14 segments identified pursuant to s. 303(d) of the Clean Water
15 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
16 Implementation of best management practices and other measures
17 may include cost-share grants, technical assistance,
18 implementation tracking, and conservation leases or other
19 agreements for water quality improvement. The Department of
20 Environmental Protection and the Department of Agriculture and
21 Consumer Services may adopt rules governing the distribution
22 of funds for implementation of capital projects, best
23 management practices, and other measures. These funds shall
24 not be used to abrogate the financial responsibility of those
25 point and nonpoint sources that have contributed to the
26 degradation of water or land areas. Increased priority shall
27 be given by the department and the water management district
28 governing boards to those projects that have secured a
29 cost-sharing agreement allocating responsibility for the
30 cleanup of point and nonpoint sources.

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1 (c) Ten percent shall be disbursed for the purposes of
2 funding projects pursuant to ss. 373.451-373.459 or surface
3 water restoration activities in
4 water-management-district-designated priority water bodies.
5 The Secretary of Environmental Protection shall ensure that
6 each water management district receives the following
7 percentage of funds annually:

8 1. Thirty-five percent to the South Florida Water
9 Management District;

10 2. Twenty-five percent to the Southwest Florida Water
11 Management District;

12 3. Twenty-five percent to the St. Johns River Water
13 Management District;

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

16 5. Seven and one-half percent to the Northwest Florida
17 Water Management District.

18 (d) Ten percent to the Department of Environmental
19 Protection for the Disadvantaged Small Community Wastewater
20 Grant Program as provided in s. 403.1838.

21 ~~(e) Beginning June 30, 2007, and every 24 months~~
22 ~~thereafter, the Department of Environmental Protection shall~~
23 ~~request the return of all unencumbered funds distributed~~
24 ~~pursuant to this section. These funds shall be deposited into~~
25 ~~the Water Protection and Sustainability Program Trust Fund and~~
26 ~~redistributed pursuant to the provisions of this section.~~

27 (2) Applicable beginning in the 2007-2008 fiscal year,
28 revenues transferred from the Department of Revenue pursuant
29 to s. 201.15(1)(d)2. shall be deposited into the Water
30 Protection and Sustainability Program Trust Fund in the
31 Department of Environmental Protection. These revenues and any

1 other additional revenues deposited into or appropriated to
2 the Water Protection and Sustainability Trust Fund shall be
3 distributed by the Department of Environmental Protection in
4 the following manner:

5 (a) Sixty-five percent to the Department of
6 Environmental Protection for the implementation of an
7 alternative water supply program as provided in s. 373.1961.

8 (b) Twenty-two and five-tenths percent for the
9 implementation of best management practices and capital
10 project expenditures necessary for the implementation of the
11 goals of the total maximum daily loads program established in
12 s. 403.067. Of these funds, 83.33 percent shall be transferred
13 to the credit of the Department of Environmental Protection
14 Water Quality Assurance Trust Fund to address water quality
15 impacts associated with nonagricultural nonpoint sources.
16 Sixteen and sixty-seven hundredths percent of these funds
17 shall be transferred to the Department of Agriculture and
18 Consumer Services General Inspection Trust Fund to address
19 water quality impacts associated with agricultural nonpoint
20 sources. These funds shall be used for research, development,
21 demonstration, and implementation of the total maximum daily
22 load program under s. 403.067, suitable best management
23 practices or other measures used to achieve water quality
24 standards in surface waters and water segments identified
25 pursuant to s. 303(d) of the Clean Water Act, Pub. L. No.
26 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
27 management practices and other measures may include cost-share
28 grants, technical assistance, implementation tracking, and
29 conservation leases or other agreements for water quality
30 improvement. The Department of Environmental Protection and
31 the Department of Agriculture and Consumer Services may adopt

1 rules governing the distribution of funds for implementation
2 of capital projects, best management practices, and other
3 measures. These funds shall not be used to abrogate the
4 financial responsibility of those point and nonpoint sources
5 that have contributed to the degradation of water or land
6 areas. Increased priority shall be given by the department and
7 the water management district governing boards to those
8 projects that have secured a cost-sharing agreement allocating
9 responsibility for the cleanup of point and nonpoint sources.

10 (c) Twelve and five-tenths percent to the Department
11 of Environmental Protection for the Disadvantaged Small
12 Community Wastewater Grant Program as provided in s. 403.1838.

13 (d) On June 30, 2009, and every 24 months thereafter,
14 the Department of Environmental Protection shall request the
15 return of all unencumbered funds distributed pursuant to this
16 section. These funds shall be deposited into the Water
17 Protection and Sustainability Program Trust Fund and
18 redistributed pursuant to the provisions of this section.

19 ~~(3)(2)~~ For fiscal year 2005-2006, funds deposited or
20 appropriated into the Water Protection and Sustainability
21 Trust Fund shall be distributed as follows:

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

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

27 1. Fifty percent for the implementation of best
28 management practices and capital project expenditures
29 necessary for the implementation of the goals of the total
30 maximum daily loads program established in s. 403.067. Of
31 these funds, 85 percent shall be transferred to the credit of

1 | the Department of Environmental Protection Water Quality
2 | Assurance Trust Fund to address water quality impacts
3 | associated with nonagricultural nonpoint sources. Fifteen
4 | percent of these funds shall be transferred to the Department
5 | of Agriculture and Consumer Services General Inspection Trust
6 | Fund to address water quality impacts associated with
7 | agricultural nonpoint sources. These funds shall be used for
8 | research, development, demonstration, and implementation of
9 | suitable best management practices or other measures used to
10 | achieve water quality standards in surface waters and water
11 | segments identified pursuant to s. 303(d) of the Clean Water
12 | Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
13 | Implementation of best management practices and other measures
14 | may include cost-share grants, technical assistance,
15 | implementation tracking, and conservation leases or other
16 | agreements for water quality improvement. The Department of
17 | Environmental Protection and the Department of Agriculture and
18 | Consumer Services may adopt rules governing the distribution
19 | of funds for implementation of best management practices.
20 | These funds shall not be used to abrogate the financial
21 | responsibility of those point and nonpoint sources that have
22 | contributed to the degradation of water or land areas.
23 | Increased priority shall be given by the department and the
24 | water management district governing boards to those projects
25 | that have secured a cost-sharing agreement allocating
26 | responsibility for the cleanup of point and nonpoint sources.

27 | 2. Twenty-five percent for the purposes of funding
28 | projects pursuant to ss. 373.451-373.459 or surface water
29 | restoration activities in water-management-district-designated
30 | priority water bodies. The Secretary of Environmental
31 |

1 Protection shall ensure that each water management district
2 receives the following percentage of funds annually:
3 a. Thirty-five percent to the South Florida Water
4 Management District;
5 b. Twenty-five percent to the Southwest Florida Water
6 Management District;
7 c. Twenty-five percent to the St. Johns River Water
8 Management District;
9 d. Seven and one-half percent to the Suwannee River
10 Water Management District; and
11 e. Seven and one-half percent to the Northwest Florida
12 Water Management District.
13 3. Twenty-five percent to the Department of
14 Environmental Protection for the Disadvantaged Small Community
15 Wastewater Grant Program as provided in s. 403.1838.
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17 Prior to the end of the 2008 Regular Session, the Legislature
18 must review the distribution of funds under the Water
19 Protection and Sustainability Program to determine if
20 revisions to the funding formula are required. At the
21 discretion of the President of the Senate and the Speaker of
22 the House of Representatives, the appropriate substantive
23 committees of the Legislature may conduct an interim project
24 to review the Water Protection and Sustainability Program and
25 the funding formula and make written recommendations to the
26 Legislature proposing necessary changes, if any.
27 ~~(4)(3)~~ In addition to the uses allowed in subsection
28 ~~(2)(1)~~ for the 2007-2008 fiscal year, interest earnings
29 accumulated in the Water Protection and Sustainability Program
30 Trust Fund shall be transferred to the Ecosystem Management
31 and Restoration Trust Fund for grants and aids to local

1 governments for water projects as provided in the General
2 Appropriations Act. This subsection expires July 1, 2008.

3 Section 5. To the extent that revenues have been
4 distributed before November 1, 2007, in excess of the amounts
5 authorized in s. 403.892(2), Florida Statutes, as amended by
6 this act, the Department of Environmental Protection shall
7 reallocate the funds so that the total distribution in the
8 2007-2008 fiscal year is consistent with the distribution set
9 forth in s. 403.890(2), Florida Statutes, as amended by this
10 act.

11 Section 6. Except as otherwise expressly provided in
12 this act, this act shall take effect upon becoming a law.

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