

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 in the Fish and Wildlife
11 Conservation Commission; amending s. 403.890,
12 F.S.; revising the distribution of funds into
13 the Water Protection and Sustainability Program
14 Trust Fund to conform to changes made by the
15 act; requiring the Department of Environmental
16 Protection to reallocate funds to conform to
17 changes in distributions made by the act;
18 providing an effective date.

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

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22 Section 1. Paragraph (d) of subsection (1) and
23 subsections (5) and (6) of section 201.15, Florida Statutes,
24 are amended to read:

25 201.15 Distribution of taxes collected.--All taxes
26 collected under this chapter shall be distributed as follows
27 and shall be subject to the service charge imposed in s.
28 215.20(1), except that such service charge shall not be levied
29 against any portion of taxes pledged to debt service on bonds
30 to the extent that the amount of the service charge is
31 required to pay any amounts relating to the bonds:

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

4 (d) The remainder of the moneys distributed under this
5 subsection, after the required payments under paragraphs (a),
6 (b), and (c), shall be paid into the State Treasury to the
7 credit of:

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

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

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

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

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

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

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

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

14 (5)a. For the 2007-2008 fiscal year, 3.96 ~~Four and~~
 15 ~~two tenths~~ percent of the remaining taxes collected under this
 16 chapter shall be paid into the State Treasury to the credit of
 17 the Conservation and Recreation Lands Trust Fund to carry out
 18 the purposes set forth in s. 259.032. Ten and five-hundredths
 19 ~~Nine and one half~~ percent of the amount credited to the
 20 Conservation and Recreation Lands Trust Fund pursuant to this
 21 subsection shall be transferred to the State Game Trust Fund
 22 and used for land management activities.

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

1 (6) The lesser of two and twenty-eight hundredths
2 percent of the remaining taxes collected under this chapter or
3 ~~\$34.1~~\$36.1 million in each fiscal year shall be paid into the
4 State Treasury to the credit of the Invasive Plant Control
5 Trust Fund to carry out the purposes set forth in ss. 369.22
6 and 369.252 and for water projects as provided in the General
7 Appropriations Act.

8 Section 2. Section 403.890, Florida Statutes, is
9 amended to read:

10 403.890 Water Protection and Sustainability Program;
11 intent; goals; purposes.--

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

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

24 (b) Twenty percent for the implementation of best
25 management practices and capital project expenditures
26 necessary for the implementation of the goals of the total
27 maximum daily loads program established in s. 403.067. Of
28 these funds, 85 percent shall be transferred to the credit of
29 the Department of Environmental Protection Water Quality
30 Assurance Trust Fund to address water quality impacts
31 associated with nonagricultural nonpoint sources. Fifteen

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

26 (c) Ten percent shall be disbursed for the purposes of
27 funding projects pursuant to ss. 373.451-373.459 or surface
28 water restoration activities in
29 water-management-district-designated priority water bodies.
30 The Secretary of Environmental Protection shall ensure that
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- 1 each water management district receives the following
2 percentage of funds annually:
- 3 1. Thirty-five percent to the South Florida Water
4 Management District;
 - 5 2. Twenty-five percent to the Southwest Florida Water
6 Management District;
 - 7 3. Twenty-five percent to the St. Johns River Water
8 Management District;
 - 9 4. Seven and one-half percent to the Suwannee River
10 Water Management District; and
 - 11 5. Seven and one-half percent to the Northwest Florida
12 Water Management District.

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

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

22 (2) Applicable beginning in the 2007-2008 fiscal year,
23 revenues transferred from the Department of Revenue pursuant
24 to s. 201.15(1)(d)2. shall be deposited into the Water
25 Protection and Sustainability Program Trust Fund in the
26 Department of Environmental Protection. These revenues and any
27 other additional revenues deposited into or appropriated to
28 the Water Protection and Sustainability Trust Fund shall be
29 distributed by the Department of Environmental Protection in
30 the following manner:

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

4 (b) Twenty-two and five-tenths percent for the
5 implementation of best management practices and capital
6 project expenditures necessary for the implementation of the
7 goals of the total maximum daily loads program established in
8 s. 403.067. Of these funds, 83.33 percent shall be transferred
9 to the credit of the Department of Environmental Protection
10 Water Quality Assurance Trust Fund to address water quality
11 impacts associated with nonagricultural nonpoint sources.
12 Sixteen and sixty-seven hundredths percent of these funds
13 shall be transferred to the Department of Agriculture and
14 Consumer Services General Inspection Trust Fund to address
15 water quality impacts associated with agricultural nonpoint
16 sources. These funds shall be used for research, development,
17 demonstration, and implementation of the total maximum daily
18 load program under s. 403.067, suitable best management
19 practices or other measures used to achieve water quality
20 standards in surface waters and water segments identified
21 pursuant to s. 303(d) of the Clean Water Act, Pub. L. No.
22 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
23 management practices and other measures may include cost-share
24 grants, technical assistance, implementation tracking, and
25 conservation leases or other agreements for water quality
26 improvement. The Department of Environmental Protection and
27 the Department of Agriculture and Consumer Services may adopt
28 rules governing the distribution of funds for implementation
29 of capital projects, best management practices, and other
30 measures. These funds shall not be used to abrogate the
31 financial responsibility of those point and nonpoint sources

1 that have contributed to the degradation of water or land
2 areas. Increased priority shall be given by the department and
3 the water management district governing boards to those
4 projects that have secured a cost-sharing agreement allocating
5 responsibility for the cleanup of point and nonpoint sources.

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

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

15 (3)(2) For fiscal year 2005-2006, funds deposited or
16 appropriated into the Water Protection and Sustainability
17 Trust Fund shall be distributed as follows:

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

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

23 1. Fifty percent for the implementation of best
24 management practices and capital project expenditures
25 necessary for the implementation of the goals of the total
26 maximum daily loads program established in s. 403.067. Of
27 these funds, 85 percent shall be transferred to the credit of
28 the Department of Environmental Protection Water Quality
29 Assurance Trust Fund to address water quality impacts
30 associated with nonagricultural nonpoint sources. Fifteen
31 percent of these funds shall be transferred to the Department

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

23 2. Twenty-five percent for the purposes of funding
24 projects pursuant to ss. 373.451-373.459 or surface water
25 restoration activities in water-management-district-designated
26 priority water bodies. The Secretary of Environmental
27 Protection shall ensure that each water management district
28 receives the following percentage of funds annually:

29 a. Thirty-five percent to the South Florida Water
30 Management District;
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1 b. Twenty-five percent to the Southwest Florida Water
2 Management District;

3 c. Twenty-five percent to the St. Johns River Water
4 Management District;

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

7 e. Seven and one-half percent to the Northwest Florida
8 Water Management District.

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

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13 Prior to the end of the 2008 Regular Session, the Legislature
14 must review the distribution of funds under the Water
15 Protection and Sustainability Program to determine if
16 revisions to the funding formula are required. At the
17 discretion of the President of the Senate and the Speaker of
18 the House of Representatives, the appropriate substantive
19 committees of the Legislature may conduct an interim project
20 to review the Water Protection and Sustainability Program and
21 the funding formula and make written recommendations to the
22 Legislature proposing necessary changes, if any.

23 ~~(4)(3)~~ In addition to the uses allowed in subsection
24 ~~(2)(1)~~ for the 2007-2008 fiscal year, interest earnings
25 accumulated in the Water Protection and Sustainability Program
26 Trust Fund shall be transferred to the Ecosystem Management
27 and Restoration Trust Fund for grants and aids to local
28 governments for water projects as provided in the General
29 Appropriations Act. This subsection expires July 1, 2008.

30 Section 3. To the extent that revenues have been
31 distributed before November 1, 2007, in excess of the amounts

1 authorized in s. 403.892(2), Florida Statutes, as amended by
2 this act, the Department of Environmental Protection shall
3 reallocate the funds so that the total distribution in the
4 2007-2008 fiscal year is consistent with the distribution set
5 forth in s. 403.890(2), Florida Statutes, as amended by this
6 act.

7 Section 4. This act shall take effect upon becoming a
8 law.

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