

A bill to be entitled

An act relating to distribution of proceeds from excise tax on documents; amending s. 201.15, F.S.; revising the amounts of excise taxes on documents distributed to the Water Protection and Sustainability Program Trust Fund; amending s. 403.890, F.S.; revising amounts distributed by the Department of Environmental Protection from the Water Protection and Sustainability Program Trust Fund; reenacting s. 403.891(1), F.S., relating to the Water Protection and Sustainability Program Trust Fund of the Department of Environmental Protection; amending ss. 373.1961 and 403.8911, F.S.; correcting a trust fund name; removing an obsolete provision; providing an effective date.

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

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

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

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

30 (d) The remainder of the moneys distributed under this
31 subsection, after the required payments under paragraphs (a),
32 (b), and (c), shall be paid into the State Treasury to the
33 credit of:

34 1. The State Transportation Trust Fund in the Department
35 of Transportation in the amount of \$541.75 million in each
36 fiscal year, to be paid in quarterly installments and used for
37 the following specified purposes, notwithstanding any other law
38 to the contrary:

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

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

44 c. For the purposes of the Strategic Intermodal System
45 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
46 of these funds after allocating for the New Starts Transit
47 Program described in sub-subparagraph a. and the Small County
48 Outreach Program described in sub-subparagraph b.; and

49 d. For the purposes of the Transportation Regional
50 Incentive Program specified in s. 339.2819, 25 percent of these
51 funds after allocating for the New Starts Transit Program
52 described in sub-subparagraph a. and the Small County Outreach
53 Program described in sub-subparagraph b.

54 2. The Water Protection and Sustainability Program Trust
 55 Fund in the Department of Environmental Protection in the amount
 56 of \$70 ~~\$100~~ million in fiscal year 2007-2008 and \$60 million in
 57 each fiscal year thereafter, to be paid in quarterly
 58 installments and used as required by s. 403.890.

59 3. The Grants and Donations Trust Fund in the Department
 60 of Community Affairs in the amount of \$3.25 million in each
 61 fiscal year to be paid in monthly installments, with \$3 million
 62 to be used to fund technical assistance to local governments and
 63 school boards on the requirements and implementation of this act
 64 and \$250,000 to be used to fund the Century Commission
 65 established in s. 163.3247.

66
 67 Moneys distributed pursuant to this paragraph may not be pledged
 68 for debt service unless such pledge is approved by referendum of
 69 the voters.

70 Section 2. Paragraph (b) of subsection (3) of section
 71 373.1961, Florida Statutes, is amended to read:

72 373.1961 Water production; general powers and duties;
 73 identification of needs; funding criteria; economic incentives;
 74 reuse funding.--

75 (3) FUNDING.--

76 (b) Beginning in fiscal year 2005-2006, the state shall
 77 annually provide a portion of those revenues deposited into the
 78 Water Protection and Sustainability Program Trust Fund for the
 79 purpose of providing funding assistance for the development of
 80 alternative water supplies pursuant to the Water Protection and
 81 Sustainability Program. At the beginning of each fiscal year,

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82 beginning with fiscal year 2005-2006, such revenues shall be
83 distributed by the department into the alternative water supply
84 trust fund accounts created by each district for the purpose of
85 alternative water supply development under the following funding
86 formula:

87 1. Thirty percent to the South Florida Water Management
88 District;

89 2. Twenty-five percent to the Southwest Florida Water
90 Management District;

91 3. Twenty-five percent to the St. Johns River Water
92 Management District;

93 4. Ten percent to the Suwannee River Water Management
94 District; and

95 5. Ten percent to the Northwest Florida Water Management
96 District.

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

99 403.890 Water Protection and Sustainability Program;
100 intent; goals; purposes.--

101 (1) Effective July 1, 2006, revenues transferred from the
102 Department of Revenue pursuant to s. 201.15(1)(d)2. shall be
103 deposited into the Water Protection and Sustainability Program
104 Trust Fund in the Department of Environmental Protection. These
105 revenues and any other additional revenues deposited into or
106 appropriated to the Water Protection and Sustainability Program
107 Trust Fund shall be distributed by the Department of
108 Environmental Protection in the following manner:

109 (a) The sum of \$42,750,000 in fiscal year 2007-2008 and
 110 \$37 million in each fiscal year thereafter ~~Sixty percent~~ to the
 111 Department of Environmental Protection for the implementation of
 112 an alternative water supply program as provided in s. 373.1961.

113 (b) The sum of \$7,250,000 in fiscal year 2007-2008 and \$3
 114 million in each fiscal year thereafter ~~Twenty percent~~ for the
 115 implementation of best management practices and capital project
 116 expenditures necessary for the implementation of the goals of
 117 the total maximum daily loads program established in s. 403.067.
 118 Of these funds, \$4,250,000 ~~85 percent~~ shall be transferred to
 119 the credit of the Department of Environmental Protection Water
 120 Quality Assurance Trust Fund to address water quality impacts
 121 associated with nonagricultural nonpoint sources in fiscal year
 122 2007-2008. ~~Fifteen percent~~ Of these funds, \$3 million in fiscal
 123 year 2007-2008 and \$3 million in each fiscal year thereafter
 124 shall be transferred to the Department of Agriculture and
 125 Consumer Services General Inspection Trust Fund to address water
 126 quality impacts associated with agricultural nonpoint sources.
 127 These funds shall be used for research, development,
 128 demonstration, and implementation of the total maximum daily
 129 load program under s. 403.067, suitable best management
 130 practices or other measures used to achieve water quality
 131 standards in surface waters and water segments identified
 132 pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-
 133 500, 33 U.S.C. ss. 1251 et seq. Implementation of best
 134 management practices and other measures may include cost-share
 135 grants, technical assistance, implementation tracking, and
 136 conservation leases or other agreements for water quality

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137 improvement. The Department of Environmental Protection and the
 138 Department of Agriculture and Consumer Services may adopt rules
 139 governing the distribution of funds for implementation of
 140 capital projects, best management practices, and other measures.
 141 These funds shall not be used to abrogate the financial
 142 responsibility of those point and nonpoint sources that have
 143 contributed to the degradation of water or land areas. Increased
 144 priority shall be given by the department and the water
 145 management district governing boards to those projects that have
 146 secured a cost-sharing agreement allocating responsibility for
 147 the cleanup of point and nonpoint sources.

148 (c) The sum of \$10 million in each fiscal year ~~Ten percent~~
 149 shall be disbursed for the purposes of funding projects pursuant
 150 to ss. 373.451-373.459 or surface water restoration activities
 151 in water-management-district-designated priority water bodies.
 152 The Secretary of Environmental Protection shall ensure that each
 153 water management district receives the following percentage of
 154 funds annually:

- 155 1. Thirty-five percent to the South Florida Water
 156 Management District;
- 157 2. Twenty-five percent to the Southwest Florida Water
 158 Management District;
- 159 3. Twenty-five percent to the St. Johns River Water
 160 Management District;
- 161 4. Seven and one-half percent to the Suwannee River Water
 162 Management District; and
- 163 5. Seven and one-half percent to the Northwest Florida
 164 Water Management District.

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

169 (e) Beginning June 30, 2007, and every 24 months
 170 thereafter, the Department of Environmental Protection shall
 171 request the return of all unencumbered funds distributed
 172 pursuant to this section. These funds shall be deposited into
 173 the Water Protection and Sustainability Program Trust Fund and
 174 redistributed pursuant to the provisions of this section.

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

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

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

183 1. Fifty percent for the implementation of best management
 184 practices and capital project expenditures necessary for the
 185 implementation of the goals of the total maximum daily loads
 186 program established in s. 403.067. Of these funds, 85 percent
 187 shall be transferred to the credit of the Department of
 188 Environmental Protection Water Quality Assurance Trust Fund to
 189 address water quality impacts associated with nonagricultural
 190 nonpoint sources. Fifteen percent of these funds shall be
 191 transferred to the Department of Agriculture and Consumer
 192 Services General Inspection Trust Fund to address water quality

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193 impacts associated with agricultural nonpoint sources. These
194 funds shall be used for research, development, demonstration,
195 and implementation of suitable best management practices or
196 other measures used to achieve water quality standards in
197 surface waters and water segments identified pursuant to s.
198 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.
199 1251 et seq. Implementation of best management practices and
200 other measures may include cost-share grants, technical
201 assistance, implementation tracking, and conservation leases or
202 other agreements for water quality improvement. The Department
203 of Environmental Protection and the Department of Agriculture
204 and Consumer Services may adopt rules governing the distribution
205 of funds for implementation of best management practices. These
206 funds shall not be used to abrogate the financial responsibility
207 of those point and nonpoint sources that have contributed to the
208 degradation of water or land areas. Increased priority shall be
209 given by the department and the water management district
210 governing boards to those projects that have secured a cost-
211 sharing agreement allocating responsibility for the cleanup of
212 point and nonpoint sources.

213 2. Twenty-five percent for the purposes of funding
214 projects pursuant to ss. 373.451-373.459 or surface water
215 restoration activities in water-management-district-designated
216 priority water bodies. The Secretary of Environmental Protection
217 shall ensure that each water management district receives the
218 following percentage of funds annually:

219 a. Thirty-five percent to the South Florida Water
220 Management District;

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221 b. Twenty-five percent to the Southwest Florida Water
222 Management District;

223 c. Twenty-five percent to the St. Johns River Water
224 Management District;

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

227 e. Seven and one-half percent to the Northwest Florida
228 Water Management District.

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

232

233 Prior to the end of the 2008 Regular Session, the Legislature
234 must review the distribution of funds under the Water Protection
235 and Sustainability Program to determine if revisions to the
236 funding formula are required. At the discretion of the President
237 of the Senate and the Speaker of the House of Representatives,
238 the appropriate substantive committees of the Legislature may
239 conduct an interim project to review the Water Protection and
240 Sustainability Program and the funding formula and make written
241 recommendations to the Legislature proposing necessary changes,
242 if any.

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

247 403.891 Water Protection and Sustainability Program Trust
248 Fund of the Department of Environmental Protection.--

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249 (1) The Water Protection and Sustainability Program Trust
250 Fund is created within the Department of Environmental
251 Protection. The purpose of the trust fund is to receive funds
252 pursuant to s. 201.15(1)(d)2., funds from other sources provided
253 for in law and the General Appropriations Act, and funds
254 received by the department in order to implement the provisions
255 of the Water Sustainability and Protection Program created in s.
256 403.890.

257 Section 5. Section 403.8911, Florida Statutes, is amended
258 to read:

259 403.8911 Annual appropriation from the Water Protection
260 and Sustainability Program Trust Fund.--

261 ~~(1)~~ Funds paid into the Water Protection and
262 Sustainability Program Trust Fund pursuant to s. 201.15(1)(d)
263 are hereby annually appropriated for expenditure for the
264 purposes for which the Water Protection and Sustainability
265 Program Trust Fund is established.

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

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