

1 A bill to be entitled
2 An act relating to the Department of Environmental
3 Protection; amending s. 20.255, F.S.; renaming the Office
4 of Legislative and Government Affairs within the
5 Department of Environmental Protection as the Office of
6 Legislative Affairs to conform to changes made by this
7 act; creating the Office of Intergovernmental Programs
8 within the Department of Environmental Protection to
9 conform to changes made by this act; renaming the Division
10 of Resource Assessment and Management within the
11 Department of Environmental Protection as the Division of
12 Environmental Assessment and Restoration to conform to
13 changes made by this act; amending s. 253.01, F.S.;
14 providing for the transfer of a specified portion of funds
15 from the Internal Improvement Trust Fund to the General
16 Revenue Fund for a specified period; amending s. 258.034,
17 F.S.; providing for the transfer of a specified portion of
18 funds from the State Park Trust Fund to the General
19 Revenue Fund for a specified period; amending s. 259.032,
20 F.S.; deleting the requirement for the transfer of certain
21 funds to the Plant Industry Trust Fund within the
22 Department of Agriculture and Consumer Services; providing
23 for the transfer of a specified portion of funds from the
24 Conservation and Recreation Lands Trust Fund to the
25 General Revenue Fund for a specified period; amending s.
26 369.25, F.S.; conforming references and provisions
27 relating to certain regulatory authority for aquatic
28 plants to conform to changes made by this act; amending s.

29 | 369.251, F.S.; conforming references relating to certain
30 | regulatory authority for invasive nonnative plants to
31 | conform to changes made by this act; amending s. 373.59,
32 | F.S.; providing for the transfer of a specified portion of
33 | funds from the Water Management Lands Trust Fund to the
34 | General Revenue Fund for a specified period; amending s.
35 | 376.11, F.S.; providing for the transfer of a specified
36 | portion of funds from the Florida Coastal Protection Trust
37 | Fund to the General Revenue Fund for a specified period;
38 | amending s. 376.307, F.S.; providing for the transfer of a
39 | specified portion of funds from the Water Quality
40 | Assurance Trust Fund to the General Revenue Fund for a
41 | specified period; amending s. 376.3071, F.S.; providing
42 | for the transfer of a specified portion of funds from the
43 | Inland Protection Trust Fund to the General Revenue Fund
44 | for a specified period; amending s. 403.0873, F.S.;
45 | providing for the transfer of a specified portion of funds
46 | from the Air Pollution Control Trust Fund to the General
47 | Revenue Fund for a specified period; amending s. 403.890,
48 | F.S.; providing for the transfer of a specified portion of
49 | funds from the Water Protection and Sustainability Program
50 | Trust Fund to the General Revenue Fund for a specified
51 | period; deleting the requirement for the distribution of
52 | specified funds to the Department of Environmental
53 | Protection for the implementation of an alternative water
54 | supply program; revising the distribution of specified
55 | funds to the Department of Environmental Protection and
56 | the Department of Agriculture and Consumer Services for

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57 certain activities relating to water quality standards;
58 deleting the requirement for the distribution of specified
59 funds to water management districts for certain surface
60 water restoration activities; deleting the requirement for
61 the distribution of specified funds to the Department of
62 Environmental Protection for the Disadvantaged Small
63 Community Wastewater Grant Program; deleting obsolete
64 provisions relating to the distribution of certain funds;
65 amending s. 581.145, F.S.; conforming references relating
66 to certain regulatory authority for aquatic plants to
67 conform to changes made by this act; providing for the
68 type two transfer of the Bureau of Invasive Plant
69 Management in Department of Environmental Protection to
70 the Fish and Wildlife Conservation Commission;
71 transferring specified authority relating to aquatic
72 plants and invasive nonnative plants from the bureau to
73 the Department of Agriculture and Consumer Services;
74 providing an effective date.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Paragraph (a) of subsection (2) and paragraph
79 (e) of subsection (3) of section 20.255, Florida Statutes, are
80 amended to read:

81 20.255 Department of Environmental Protection.--There is
82 created a Department of Environmental Protection.

83 (2) (a) There shall be three deputy secretaries who are to
84 be appointed by and shall serve at the pleasure of the

85 secretary. The secretary may assign any deputy secretary the
 86 responsibility to supervise, coordinate, and formulate policy
 87 for any division, office, or district. The following special
 88 offices are established and headed by managers, each of whom is
 89 to be appointed by and serve at the pleasure of the secretary:

- 90 1. Office of Chief of Staff~~.7~~
- 91 2. Office of General Counsel~~.7~~
- 92 3. Office of Inspector General~~.7~~
- 93 4. Office of External Affairs~~.7~~
- 94 5. Office of Legislative and Government Affairs~~.7~~ and
- 95 6. Office of Intergovernmental Programs.
- 96 ~~7.6~~ Office of Greenways and Trails.

97
 98 The managers of all divisions and offices specifically named in
 99 this section and the directors of the six administrative
 100 districts are exempt from part II of chapter 110 and are
 101 included in the Senior Management Service in accordance with s.
 102 110.205(2)(j).

103 (3) The following divisions of the Department of
 104 Environmental Protection are established:

- 105 (e) Division of Environmental Resource Assessment and
 106 Restoration Management.

107
 108 In order to ensure statewide and intradepartmental consistency,
 109 the department's divisions shall direct the district offices and
 110 bureaus on matters of interpretation and applicability of the
 111 department's rules and programs.

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112 Section 2. Subsection (4) is added to section 253.01,
 113 Florida Statutes, to read:

114 253.01 Internal Improvement Trust Fund established.--

115 (4) The sum of \$400,000 received annually in the Internal
 116 Improvement Trust Fund shall be transferred to the General
 117 Revenue Fund. The funds shall be transmitted in equal monthly
 118 payments until the total sum is received in the General Revenue
 119 Fund. This subsection expires July 1, 2013.

120 Section 3. Section 258.034, Florida Statutes, is amended
 121 to read:

122 258.034 State Park Trust Fund created.--

123 (1) There is created a "State Park Trust Fund" to which
 124 shall be credited all money deposited in the State Treasury by
 125 appropriations, or from any other source, whether in trust, by
 126 gift, devise, fees, rentals, and charges, together with any
 127 unexpended balance of any appropriation heretofore made for the
 128 expenditure of public funds toward the support, maintenance, and
 129 preservation of any monument, memorial, or historic site which
 130 under this chapter comes under the jurisdiction of the Division
 131 of Recreation and Parks, to be expended by the division for the
 132 administration, improvement, and maintenance of state parks and
 133 historic memorials by this chapter placed under the jurisdiction
 134 of the division and for the acquisition and development of lands
 135 hereafter acquired for state park purposes.

136 (2) The sum of \$5.1 million received annually in the State
 137 Park Trust Fund shall be transferred to the General Revenue
 138 Fund. The funds shall be transmitted in equal monthly payments

139 until the total sum is received in the General Revenue Fund.

140 This subsection expires July 1, 2013.

141 Section 4. Paragraph (b) of subsection (11) of section
 142 259.032, Florida Statutes, is amended, and subsection (16) is
 143 added to that section, to read:

144 259.032 Conservation and Recreation Lands Trust Fund;
 145 purpose.--

146 (11)

147 (b) An amount up to 1.5 percent of the cumulative total of
 148 funds ever deposited into the Florida Preservation 2000 Trust
 149 Fund and the Florida Forever Trust Fund shall be made available
 150 for the purposes of management, maintenance, and capital
 151 improvements not eligible for funding pursuant to s. 11(e), Art.
 152 VII of the State Constitution, and for associated contractual
 153 services, for lands acquired pursuant to this section, s.
 154 259.101, s. 259.105, s. 259.1052, or previous programs for the
 155 acquisition of lands for conservation and recreation, including
 156 state forests, to which title is vested in the board of trustees
 157 and other conservation and recreation lands managed by a state
 158 agency. ~~Of this amount, \$250,000 shall be transferred annually~~
 159 ~~to the Plant Industry Trust Fund within the Department of~~
 160 ~~Agriculture and Consumer Services for the purpose of~~
 161 ~~implementing the Endangered or Threatened Native Flora~~
 162 ~~Conservation Grants Program pursuant to s. 581.185(11).~~ Each
 163 agency with management responsibilities shall annually request
 164 from the Legislature funds sufficient to fulfill such
 165 responsibilities. For the purposes of this paragraph, capital
 166 improvements shall include, but need not be limited to,

167 perimeter fencing, signs, firelanes, access roads and trails,
 168 and minimal public accommodations, such as primitive campsites,
 169 garbage receptacles, and toilets. Any equipment purchased with
 170 funds provided pursuant to this paragraph may be used for the
 171 purposes described in this paragraph on any conservation and
 172 recreation lands managed by a state agency.

173 (16) The sum of \$18.2 million received annually in the
 174 Conservation and Recreation Lands Trust Fund shall be
 175 transferred to the General Revenue Fund. The funds shall be
 176 transmitted in equal monthly payments until the total sum is
 177 received in the General Revenue Fund. This subsection expires
 178 July 1, 2013.

179 Section 5. Paragraph (b) of subsection (1), subsection
 180 (2), and paragraphs (a), (b), (h), (j), and (k) of subsection
 181 (3) of section 369.25, Florida Statutes, are amended to read:

182 369.25 Aquatic plants; definitions; permits; powers of
 183 department; penalties.--

184 (1) As used in this section, the term:

185 (b) "Department" means the Department of Agriculture and
 186 Consumer Services ~~Environmental Protection~~.

187 (2) No person shall engage in any business involving the
 188 importation, transportation, nonnursery cultivation, collection,
 189 sale, or possession of any aquatic plant species without a
 190 permit issued by the department ~~or the Department of Agriculture~~
 191 ~~and Consumer Services~~. No person shall import, transport,
 192 nonnursery cultivate, collect, sell, or possess any noxious
 193 aquatic plant listed on the prohibited aquatic plant list
 194 established by the department without a permit issued by the

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195 ~~department or the Department of Agriculture and Consumer~~
196 ~~Services~~. No permit shall be issued until the department
197 determines that the proposed activity poses no threat or danger
198 to the waters, wildlife, natural resources, or environment of
199 the state.

200 (3) The department has the following powers:

201 (a) To make such rules governing the importation,
202 transportation, nonnursery cultivation, collection, and
203 possession of aquatic plants as may be necessary for the
204 eradication, control, or prevention of the dissemination of
205 noxious aquatic plants that are not inconsistent with rules of
206 the Department of Environmental Protection and the Fish and
207 Wildlife Conservation Commission ~~Agriculture and Consumer~~
208 ~~Services~~.

209 (b) To establish by rule lists of aquatic plant species
210 regulated under this section, including those exempted from such
211 regulation, provided the Department of Environmental Protection
212 ~~Agriculture and Consumer Services~~ and the Fish and Wildlife
213 Conservation Commission approve such lists prior to the lists
214 becoming effective.

215 (h) To enter upon and inspect any facility or place,
216 ~~except aquatic plant nurseries regulated by the Department of~~
217 ~~Agriculture and Consumer Services~~, where aquatic plants are
218 cultivated, held, packaged, shipped, stored, or sold, or any
219 vehicle of conveyance of aquatic plants, to ascertain whether
220 the provisions of this section and department regulations are
221 being complied with, and to seize and destroy, without
222 compensation, any aquatic plants imported, transported,

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223 cultivated, collected, or otherwise possessed in violation of
 224 this section or department regulations.

225 ~~(j) To adopt rules requiring the revegetation of a site on~~
 226 ~~sovereignty lands where excessive collection has occurred.~~

227 (j)~~(k)~~ To enforce this chapter in the same manner and to
 228 the same extent as provided in s. 581.211 ~~ss. 403.121, 403.131,~~
 229 ~~403.141, and 403.161.~~

230 Section 6. Section 369.251, Florida Statutes, is amended
 231 to read:

232 369.251 Invasive nonnative plants; prohibitions; study;
 233 removal; rules.--

234 (1) A person may not sell, transport, collect, cultivate,
 235 or possess any plant, including any part or seed, of the species
 236 Melaleuca quinquenervia, Schinus terebinthifolius, Casuarina
 237 equisetifolia, Casuarina glauca, or Mimosa pigra without a
 238 permit from the Department of Agriculture and Consumer Services.
 239 Any person who violates this section commits a misdemeanor of
 240 the second degree, punishable by fine only, as provided in s.
 241 775.083.

242 (2) The Department of Agriculture and Consumer Services
 243 shall study methods of control of plants of the species
 244 Melaleuca quinquenervia, Schinus terebinthifolius, Casuarina
 245 equisetifolia, Casuarina glauca, and Mimosa pigra. The South
 246 Florida Water Management District shall undertake programs to
 247 remove such plants from conservation area I, conservation area
 248 II, and conservation area III of the district.

249 (3) The Department of Agriculture and Consumer Services
 250 has authority to adopt rules pursuant to ss. 120.536(1) and

251 120.54 to implement the provisions of this section. Possession
 252 or transportation resulting from natural dispersion, mulching
 253 operations, control and disposal, or use in herbaria or other
 254 educational or research institutions, or for other reasons
 255 determined by the Department of Agriculture and Consumer
 256 Services to be consistent with this section and where there is
 257 neither the danger of, nor intent to, further disperse any plant
 258 species prohibited by this section, is not subject to the permit
 259 or penalty provisions of this section.

260 Section 7. Subsection (13) is added to section 373.59,
 261 Florida Statutes, to read:

262 373.59 Water Management Lands Trust Fund.--

263 (13) The sum of \$30 million received annually in the Water
 264 Management Lands Trust Fund shall be transferred to the General
 265 Revenue Fund. The funds shall be transmitted in equal monthly
 266 payments until the total sum is received in the General Revenue
 267 Fund. This subsection expires July 1, 2013.

268 Section 8. Subsection (7) is added to section 376.11,
 269 Florida Statutes, to read:

270 376.11 Florida Coastal Protection Trust Fund.--

271 (7) The sum of \$1.3 million received annually in the
 272 Florida Coastal Protection Trust Fund shall be transferred to
 273 the General Revenue Fund. The funds shall be transmitted in
 274 equal monthly payments until the total sum is received in the
 275 General Revenue Fund. This subsection expires July 1, 2013.

276 Section 9. Subsection (8) is added to section 376.307,
 277 Florida Statutes, to read:

278 376.307 Water Quality Assurance Trust Fund.--

279 (8) The sum of \$2 million received annually in the Water
 280 Quality Assurance Trust Fund shall be transferred to the General
 281 Revenue Fund. The funds shall be transmitted in equal monthly
 282 payments until the total sum is received in the General Revenue
 283 Fund. This subsection expires July 1, 2013.

284 Section 10. Subsection (15) is added to section 376.3071,
 285 Florida Statutes, to read:

286 376.3071 Inland Protection Trust Fund; creation; purposes;
 287 funding.--

288 (15) TRANSFERS TO GENERAL REVENUE FUND.--The sum of \$52.4
 289 million received annually in the Inland Protection Trust Fund
 290 shall be transferred to the General Revenue Fund. The funds
 291 shall be transmitted in equal monthly payments until the total
 292 sum is received in the General Revenue Fund. This subsection
 293 expires July 1, 2013.

294 Section 11. Section 403.0873, Florida Statutes, is amended
 295 to read:

296 403.0873 Florida Air-Operation License Fee Account.--

297 (1) The "Florida Air-Operation License Fee Account" is
 298 established as a nonlapsing account within the Department of
 299 Environmental Protection's Air Pollution Control Trust Fund. All
 300 license fees paid pursuant to s. 403.0872(11) shall be deposited
 301 in such account and must be used solely by the department and
 302 approved local programs under the advice and consent of the
 303 Legislature to pay the direct and indirect costs required to
 304 develop and administer the major stationary source air-operation
 305 permit program. Any approved local pollution control program
 306 that accepts funds from the department as reimbursement for

307 services it performs in the implementation of the major source
 308 air-operation permit program, receives delegation from the
 309 department or the United States Environmental Protection Agency
 310 for implementation of the major source air-operation permit
 311 program, or performs functions, duties, or activities
 312 substantially similar to or duplicative of the services
 313 performed by the department or the United States Environmental
 314 Protection Agency in the implementation of the major source air-
 315 operation permit program is prohibited from collecting
 316 additional fees attributable to such services from any source
 317 permitted under s. 403.0872.

318 (2) The sum of \$1.1 million received annually in the Air
 319 Pollution Control Trust Fund shall be transferred to the General
 320 Revenue Fund. The funds shall be transmitted in equal monthly
 321 payments until the total sum is received in the General Revenue
 322 Fund. This subsection expires July 1, 2013.

323 Section 12. Section 403.890, Florida Statutes, as amended
 324 by chapter 2007-335, Laws of Florida, is amended to read:

325 403.890 Water Protection and Sustainability Program;
 326 intent; goals; purposes.--

327 (1) Effective July 1, 2008 ~~2006~~, the sum of \$62 million
 328 received annually in revenues transferred from the Department of
 329 Revenue pursuant to s. 201.15(1)(d)2. shall be deposited into
 330 the Water Protection and Sustainability Program Trust Fund in
 331 the Department of Environmental Protection. These revenues and
 332 any other additional revenues deposited into or appropriated to
 333 the Water Protection and Sustainability Program Trust Fund shall
 334 be transferred to the General Revenue Fund. The remaining funds

335 ~~shall be used exclusively distributed by the Department of~~
 336 ~~Environmental Protection in the following manner:~~

337 ~~(a) Sixty percent to the Department of Environmental~~
 338 ~~Protection for the implementation of an alternative water supply~~
 339 ~~program as provided in s. 373.1961.~~

340 ~~(b) Twenty percent~~ for the implementation of best
 341 management practices and capital project expenditures necessary
 342 for the implementation of the goals of the total maximum daily
 343 load program established in s. 403.067. Of these funds, 83.33 ~~85~~
 344 percent shall be transferred to the credit of the Department of
 345 Environmental Protection Water Quality Assurance Trust Fund to
 346 address water quality impacts associated with nonagricultural
 347 nonpoint sources. Sixteen and sixty-seven hundredths ~~Fifteen~~
 348 percent of these funds shall be transferred to the Department of
 349 Agriculture and Consumer Services General Inspection Trust Fund
 350 to address water quality impacts associated with agricultural
 351 nonpoint sources. These funds shall be used for research,
 352 development, demonstration, and implementation of the total
 353 maximum daily load program under s. 403.067, suitable best
 354 management practices or other measures used to achieve water
 355 quality standards in surface waters and water segments
 356 identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.
 357 No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
 358 management practices and other measures may include cost-share
 359 grants, technical assistance, implementation tracking, and
 360 conservation leases or other agreements for water quality
 361 improvement. The Department of Environmental Protection and the
 362 Department of Agriculture and Consumer Services may adopt rules

363 governing the distribution of funds for implementation of
 364 capital projects, best management practices, and other measures.
 365 These funds shall not be used to abrogate the financial
 366 responsibility of those point and nonpoint sources that have
 367 contributed to the degradation of water or land areas. Increased
 368 priority shall be given by the department and the water
 369 management district governing boards to those projects that have
 370 secured a cost-sharing agreement allocating responsibility for
 371 the cleanup of point and nonpoint sources. This subsection
 372 expires July 1, 2013.

373 ~~(c) Ten percent shall be disbursed for the purposes of~~
 374 ~~funding projects pursuant to ss. 373.451 373.459 or surface~~
 375 ~~water restoration activities in water management district-~~
 376 ~~designated priority water bodies. The Secretary of Environmental~~
 377 ~~Protection shall ensure that each water management district~~
 378 ~~receives the following percentage of funds annually:~~

- 379 ~~1. Thirty five percent to the South Florida Water~~
 380 ~~Management District;~~
- 381 ~~2. Twenty five percent to the Southwest Florida Water~~
 382 ~~Management District;~~
- 383 ~~3. Twenty five percent to the St. Johns River Water~~
 384 ~~Management District;~~
- 385 ~~4. Seven and one half percent to the Suwannee River Water~~
 386 ~~Management District; and~~
- 387 ~~5. Seven and one half percent to the Northwest Florida~~
 388 ~~Water Management District.~~

389 ~~(d) Ten percent to the Department of Environmental~~
 390 ~~Protection for the Disadvantaged Small Community Wastewater~~
 391 ~~Grant Program as provided in s. 403.1838.~~

392 (2) Applicable Beginning in the 2013-2014 ~~2007-2008~~ fiscal
 393 year, revenues transferred from the Department of Revenue
 394 pursuant to s. 201.15(1)(d)2. shall be deposited into the Water
 395 Protection and Sustainability Program Trust Fund in the
 396 Department of Environmental Protection. These revenues and any
 397 other additional revenues deposited into or appropriated to the
 398 Water Protection and Sustainability Program Trust Fund shall be
 399 distributed by the Department of Environmental Protection in the
 400 following manner:

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

404 (b) Twenty-two and five-tenths percent for the
 405 implementation of best management practices and capital project
 406 expenditures necessary for the implementation of the goals of
 407 the total maximum daily load program established in s. 403.067.
 408 Of these funds, 83.33 percent shall be transferred to the credit
 409 of the Department of Environmental Protection Water Quality
 410 Assurance Trust Fund to address water quality impacts associated
 411 with nonagricultural nonpoint sources. Sixteen and sixty-seven
 412 hundredths percent of these funds shall be transferred to the
 413 Department of Agriculture and Consumer Services General
 414 Inspection Trust Fund to address water quality impacts
 415 associated with agricultural nonpoint sources. These funds shall
 416 be used for research, development, demonstration, and

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417 implementation of the total maximum daily load program under s.
418 403.067, suitable best management practices or other measures
419 used to achieve water quality standards in surface waters and
420 water segments identified pursuant to s. 303(d) of the Clean
421 Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
422 Implementation of best management practices and other measures
423 may include cost-share grants, technical assistance,
424 implementation tracking, and conservation leases or other
425 agreements for water quality improvement. The Department of
426 Environmental Protection and the Department of Agriculture and
427 Consumer Services may adopt rules governing the distribution of
428 funds for implementation of capital projects, best management
429 practices, and other measures. These funds shall not be used to
430 abrogate the financial responsibility of those point and
431 nonpoint sources that have contributed to the degradation of
432 water or land areas. Increased priority shall be given by the
433 department and the water management district governing boards to
434 those projects that have secured a cost-sharing agreement
435 allocating responsibility for the cleanup of point and nonpoint
436 sources.

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

440 (d) On June 30, 2013 ~~2009~~, and every 24 months thereafter,
441 the Department of Environmental Protection shall request the
442 return of all unencumbered funds distributed pursuant to this
443 section. These funds shall be deposited into the Water

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444 Protection and Sustainability Program Trust Fund and
445 redistributed pursuant to the provisions of this section.

446 ~~(3) For fiscal year 2005-2006, funds deposited or~~
447 ~~appropriated into the Water Protection and Sustainability~~
448 ~~Program Trust Fund shall be distributed as follows:~~

449 ~~(a) One hundred million dollars to the Department of~~
450 ~~Environmental Protection for the implementation of an~~
451 ~~alternative water supply program as provided in s. 373.1961.~~

452 ~~(b) Funds remaining after the distribution provided for in~~
453 ~~subsection (1) shall be distributed as follows:~~

454 ~~1. Fifty percent for the implementation of best management~~
455 ~~practices and capital project expenditures necessary for the~~
456 ~~implementation of the goals of the total maximum daily load~~
457 ~~program established in s. 403.067. Of these funds, 85 percent~~
458 ~~shall be transferred to the credit of the Department of~~
459 ~~Environmental Protection Water Quality Assurance Trust Fund to~~
460 ~~address water quality impacts associated with nonagricultural~~
461 ~~nonpoint sources. Fifteen percent of these funds shall be~~
462 ~~transferred to the Department of Agriculture and Consumer~~
463 ~~Services General Inspection Trust Fund to address water quality~~
464 ~~impacts associated with agricultural nonpoint sources. These~~
465 ~~funds shall be used for research, development, demonstration,~~
466 ~~and implementation of suitable best management practices or~~
467 ~~other measures used to achieve water quality standards in~~
468 ~~surface waters and water segments identified pursuant to s.~~
469 ~~303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.~~
470 ~~1251 et seq. Implementation of best management practices and~~
471 ~~other measures may include cost share grants, technical~~

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472 ~~assistance, implementation tracking, and conservation leases or~~
473 ~~other agreements for water quality improvement. The Department~~
474 ~~of Environmental Protection and the Department of Agriculture~~
475 ~~and Consumer Services may adopt rules governing the distribution~~
476 ~~of funds for implementation of best management practices. These~~
477 ~~funds shall not be used to abrogate the financial responsibility~~
478 ~~of those point and nonpoint sources that have contributed to the~~
479 ~~degradation of water or land areas. Increased priority shall be~~
480 ~~given by the department and the water management district~~
481 ~~governing boards to those projects that have secured a cost-~~
482 ~~sharing agreement allocating responsibility for the cleanup of~~
483 ~~point and nonpoint sources.~~

484 ~~2. Twenty five percent for the purposes of funding~~
485 ~~projects pursuant to ss. 373.451-373.459 or surface water~~
486 ~~restoration activities in water management district designated~~
487 ~~priority water bodies. The Secretary of Environmental Protection~~
488 ~~shall ensure that each water management district receives the~~
489 ~~following percentage of funds annually:~~

490 ~~a. Thirty five percent to the South Florida Water~~
491 ~~Management District;~~

492 ~~b. Twenty five percent to the Southwest Florida Water~~
493 ~~Management District;~~

494 ~~c. Twenty five percent to the St. Johns River Water~~
495 ~~Management District;~~

496 ~~d. Seven and one half percent to the Suwannee River Water~~
497 ~~Management District; and~~

498 ~~e. Seven and one half percent to the Northwest Florida~~
499 ~~Water Management District.~~

500 ~~3. Twenty five percent to the Department of Environmental~~
 501 ~~Protection for the Disadvantaged Small Community Wastewater~~
 502 ~~Grant Program as provided in s. 403.1838.~~

503
 504 ~~Prior to the end of the 2008 Regular Session, the Legislature~~
 505 ~~must review the distribution of funds under the Water Protection~~
 506 ~~and Sustainability Program to determine if revisions to the~~
 507 ~~funding formula are required. At the discretion of the President~~
 508 ~~of the Senate and the Speaker of the House of Representatives,~~
 509 ~~the appropriate substantive committees of the Legislature may~~
 510 ~~conduct an interim project to review the Water Protection and~~
 511 ~~Sustainability Program and the funding formula and make written~~
 512 ~~recommendations to the Legislature proposing necessary changes,~~
 513 ~~if any.~~

514 ~~(4) In addition to the uses allowed in subsection (2) for~~
 515 ~~the 2007-2008 fiscal year, interest earnings accumulated in the~~
 516 ~~Water Protection and Sustainability Program Trust Fund shall be~~
 517 ~~transferred to the Ecosystem Management and Restoration Trust~~
 518 ~~Fund for grants and aids to local governments for water projects~~
 519 ~~as provided in the General Appropriations Act. This subsection~~
 520 ~~expires July 1, 2008.~~

521 Section 13. Subsection (2) of section 581.145, Florida
 522 Statutes, is amended to read:

523 581.145 Aquatic plant nursery registration; special permit
 524 requirements.--

525 (2) It shall be unlawful for any nursery or nursery stock
 526 dealer to import, transport, cultivate, collect, sell, or
 527 possess any noxious aquatic plant listed on the prohibited

528 aquatic plant list established by the department of
 529 ~~Environmental Protection~~ in s. 369.25(3)(b) without a special
 530 permit issued by the department.

531 (a) No special permit shall be issued until the department
 532 determines that the proposed activity poses no threat or danger
 533 to the waters, wildlife, natural resources, agriculture, or
 534 environment of the state.

535 (b) The department may not issue a special permit with
 536 respect to a prohibited aquatic plant species if the Department
 537 of Environmental Protection prohibits the importation,
 538 transportation, cultivation, collection, sale, or possession of
 539 the species.

540 Section 14. (1) Except as otherwise provided in
 541 subsection (2), all of the powers, duties, functions, records,
 542 personnel, and property; unexpended balances of appropriations,
 543 allocations, and other funds; administrative authority;
 544 administrative rules; pending issues; and existing contracts of
 545 the Bureau of Invasive Plant Management in the Department of
 546 Environmental Protection are transferred by a type two transfer,
 547 pursuant to s. 20.06(2), Florida Statutes, to the Fish and
 548 Wildlife Conservation Commission.

549 (2) The statutory powers, duties, and functions of the
 550 Bureau of Invasive Plant Management in the Department of
 551 Environmental Protection under ss. 369.25 and 369.251, Florida
 552 Statutes, are transferred to the Department of Agriculture and
 553 Consumer Services.

554 Section 15. This act shall take effect July 1, 2008.