

By the Committee on General Government Appropriations; and
Senator Baker

601-03909-09

20091740c1

1 A bill to be entitled

2 An act relating to trust funds; re-creating the Water
3 Protection and Sustainability Program Trust Fund
4 within the Department of Environmental Protection
5 without modification; repealing s. 403.891(3), F.S.;
6 abrogating provisions relating to the termination of
7 the trust fund, to conform; amending s. 403.890, F.S.;
8 providing for the distribution of funds in the Water
9 Protection and Sustainability Program Trust Fund for
10 the 2009-2010 fiscal year; delaying the expiration of
11 certain provisions relating to such fund; providing an
12 effective date.

13
14 WHEREAS, the Legislature wishes to extend the life of the
15 Water Protection and Sustainability Program Trust Fund within
16 the Department of Environmental Protection, which is otherwise
17 scheduled to be terminated pursuant to constitutional mandate,
18 and

19 WHEREAS, the Legislature has reviewed the trust fund before
20 its scheduled termination date and has found it continues to
21 meet an important public purpose, and

22 WHEREAS, the Legislature has found that existing public
23 policy concerning the trust fund sets adequate parameters for
24 its use, NOW, THEREFORE,

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. The Water Protection and Sustainability Program
29 Trust Fund within the Department of Environmental Protection,

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30 FLAIR number 37-2-603, which is to be terminated pursuant to
31 Section 19(f), Article III of the State Constitution on July 1,
32 2009, is re-created.

33 Section 2. Subsection (3) of section 403.891, Florida
34 Statutes, is repealed.

35 Section 3. Subsection (6) of section 403.890, Florida
36 Statutes, as created by section 8 of chapter 2009-2, Laws of
37 Florida, is amended to read:

38 403.890 Water Protection and Sustainability Program;
39 intent; goals; purposes.—

40 (6) For the 2009-2010 ~~2008-2009~~ fiscal year only, ~~in lieu~~
41 ~~of the distributions authorized in subsection (2) for revenues~~
42 ~~transferred from the Department of Revenue pursuant to s.~~
43 ~~201.15(1)(c)2., and after the distribution authorized in~~
44 ~~subsection (3), remaining~~ funds shall be distributed as follows:

45 (a) Thirty-one and twenty-one hundredths percent to the
46 Department of Environmental Protection for the implementation of
47 an alternative water supply program as provided in s. 373.1961.

48 (b) Twenty-six and eighty-seven hundredths percent for the
49 implementation of best management practices and capital project
50 expenditures necessary for the implementation of the goals of
51 the total maximum daily load program established in s. 403.067.
52 Of these funds, 86 percent shall be transferred to the credit of
53 the Water Quality Assurance Trust Fund of the Department of
54 Environmental Protection to address water quality impacts
55 associated with nonagricultural nonpoint sources. Fourteen
56 percent of these funds shall be transferred to the General
57 Inspection Trust Fund of the Department of Agriculture and
58 Consumer Services to address water quality impacts associated

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59 with agricultural nonpoint sources. These funds shall be used
60 for research, development, demonstration, and implementation of
61 the total maximum daily load program under s. 403.067, suitable
62 best management practices, or other measures used to achieve
63 water quality standards in surface waters and water segments
64 identified pursuant to s. 303(d) of the Clean Water Act, Pub. L.
65 No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
66 management practices and other measures may include cost-share
67 grants, technical assistance, implementation tracking, and
68 conservation leases or other agreements for water quality
69 improvement. The Department of Environmental Protection and the
70 Department of Agriculture and Consumer Services may adopt rules
71 governing the distribution of funds for implementation of
72 capital projects, best management practices, and other measures.
73 These funds may not be used to abrogate the financial
74 responsibility of those point and nonpoint sources that have
75 contributed to the degradation of water or land areas. Increased
76 priority shall be given by the department and the water
77 management district governing boards to those projects that have
78 secured a cost-sharing agreement that allocates responsibility
79 for the cleanup of point and nonpoint sources.

80 (c) Forty-one and ninety-two hundredths percent to the
81 Department of Environmental Protection for the Disadvantaged
82 Small Community Wastewater Grant Program as provided in s.
83 403.1838.

84
85 This subsection expires July 1, 2010 ~~2009~~.

86 Section 4. This act shall take effect July 1, 2009.