

1 A bill to be entitled
 2 An act relating to the Water Protection and
 3 Sustainability Program; amending s. 403.890, F.S.;
 4 providing for the deposit of specified revenues into
 5 the Water Protection and Sustainability Program Trust
 6 Fund; revising the funding formula for the
 7 distribution of revenues deposited into or
 8 appropriated to the trust fund; providing for such
 9 revenues to be used for specified purposes; providing
 10 for legislative review of the Water Protection and
 11 Sustainability Program and funding formula; providing
 12 for the distribution of revenues for the 2012-2013
 13 fiscal year; amending s. 201.15, F.S.; requiring
 14 revenues to be paid to the credit of the Water
 15 Protection and Sustainability Program Trust Fund in
 16 the Department of Environmental Protection; providing
 17 an effective date.

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

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 21 Section 1. Section 403.890, Florida Statutes, is amended
 22 to read:

23 403.890 Water Protection and Sustainability Program.—
 24 (1) Effective July 1, 2013, revenues transferred from the
 25 Department of Revenue pursuant to s. 201.15(1)(d)1. shall be
 26 deposited into the Water Protection and Sustainability Program
 27 Trust Fund in the Department of Environmental Protection. These
 28 revenues and any other additional revenues deposited into or

29 | appropriated to the Water Protection and Sustainability Program
 30 | Trust Fund shall be distributed by the Department of
 31 | Environmental Protection in the following manner:

32 | (a) ~~(1)~~ Sixty ~~Sixty-five~~ percent to the Department of
 33 | Environmental Protection for the implementation of an
 34 | alternative water supply program as provided in s. 373.707.

35 | (b) ~~(2)~~ Twenty ~~Twenty-two and five-tenths~~ percent for the
 36 | implementation of best management practices and capital project
 37 | expenditures necessary for the implementation of the goals of
 38 | the total maximum daily load program established in s. 403.067.
 39 | Of these funds, 85 ~~83.33~~ percent shall be transferred to the
 40 | credit of the Department of Environmental Protection Water
 41 | Quality Assurance Trust Fund to address water quality impacts
 42 | associated with nonagricultural nonpoint sources. Fifteen
 43 | ~~Sixteen and sixty-seven hundredths~~ percent of these funds shall
 44 | be transferred to the Department of Agriculture and Consumer
 45 | Services General Inspection Trust Fund to address water quality
 46 | impacts associated with agricultural nonpoint sources. These
 47 | funds shall be used for research, development, demonstration,
 48 | and implementation of the total maximum daily load program under
 49 | s. 403.067, suitable best management practices, or other
 50 | measures used to achieve water quality standards in surface
 51 | waters and water segments identified pursuant to s. 303(d) of
 52 | the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et
 53 | seq. Implementation of best management practices and other
 54 | measures may include cost-share grants, technical assistance,
 55 | implementation tracking, and conservation leases or other
 56 | agreements for water quality improvement. The Department of

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57 Environmental Protection and the Department of Agriculture and
58 Consumer Services may adopt rules governing the distribution of
59 funds for implementation of capital projects, best management
60 practices, and other measures. These funds shall not be used to
61 abrogate the financial responsibility of those point and
62 nonpoint sources that have contributed to the degradation of
63 water or land areas. Increased priority shall be given by the
64 department and the water management district governing boards to
65 those projects that have secured a cost-sharing agreement
66 allocating responsibility for the cleanup of point and nonpoint
67 sources.

68 (c) Ten percent shall be disbursed for the purposes of
69 funding projects pursuant to ss. 373.451-373.459 or surface
70 water restoration activities in water-management-district-
71 designated priority water bodies. The Secretary of Environmental
72 Protection shall ensure that each water management district
73 receives the following percentage of funds annually:

74 1. Thirty-five percent to the South Florida Water
75 Management District.

76 2. Twenty-five percent to the Southwest Florida Water
77 Management District.

78 3. Twenty-five percent to the St. Johns River Water
79 Management District.

80 4. Seven and one-half percent to the Suwannee River Water
81 Management District.

82 5. Seven and one-half percent to the Northwest Florida
83 Water Management District.

84 (d) ~~(3)~~ Ten ~~Twelve and five-tenths~~ percent to the
 85 Department of Environmental Protection for the Disadvantaged
 86 Small Community Wastewater Grant Program as provided in s.
 87 403.1838.

88 (2) ~~(4)~~ On June 30, 2013 ~~2009~~, and every 24 months
 89 thereafter, the Department of Environmental Protection shall
 90 request the return of all unencumbered funds distributed
 91 pursuant to this section. These funds shall be deposited into
 92 the Water Protection and Sustainability Program Trust Fund and
 93 redistributed pursuant to ~~the provisions of~~ this section.

94 (3) Prior to the end of the 2015 Regular Session, the
 95 Legislature must review the distribution of funds under the
 96 Water Protection and Sustainability Program to determine if
 97 revisions to the funding formula are required. At the discretion
 98 of the President of the Senate and the Speaker of the House of
 99 Representatives, the appropriate substantive committees of the
 100 Legislature may conduct an interim project to review the Water
 101 Protection and Sustainability Program and the funding formula
 102 and make written recommendations to the Legislature proposing
 103 necessary changes, if any.

104 (4) For fiscal year 2012-2013, funds deposited or
 105 appropriated into the Water Protection and Sustainability Trust
 106 Fund shall be distributed as follows:

107 (a) One hundred million dollars to the Department of
 108 Environmental Protection for the development and implementation
 109 of alternative water supply projects as provided in s. 373.707.

110 (b) Funds remaining after the distribution provided for in
 111 paragraph (a) shall be distributed as follows:

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112 1. Fifty percent for the implementation of best management
113 practices and capital project expenditures necessary for the
114 implementation of the goals of the total maximum daily load
115 program established in s. 403.067. Of these funds, 85 percent
116 shall be transferred to the credit of the Department of
117 Environmental Protection Water Quality Assurance Trust Fund to
118 address water quality impacts associated with nonagricultural
119 nonpoint sources. Fifteen percent of these funds shall be
120 transferred to the Department of Agriculture and Consumer
121 Services General Inspection Trust Fund to address water quality
122 impacts associated with agricultural nonpoint sources. These
123 funds shall be used for research, development, demonstration,
124 and implementation of suitable best management practices or
125 other measures used to achieve water quality standards in
126 surface waters and water segments identified pursuant to s.
127 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss.
128 1251 et seq. Implementation of best management practices and
129 other measures may include cost-share grants, technical
130 assistance, implementation tracking, and conservation leases or
131 other agreements for water quality improvement. The Department
132 of Environmental Protection and the Department of Agriculture
133 and Consumer Services may adopt rules governing the distribution
134 of funds for implementation of best management practices. These
135 funds shall not be used to abrogate the financial responsibility
136 of those point and nonpoint sources that have contributed to the
137 degradation of water or land areas. Increased priority shall be
138 given by the department and the water management district
139 governing boards to those projects that have secured a cost-

140 sharing agreement allocating responsibility for the cleanup of
 141 point and nonpoint sources.

142 2. Twenty-five percent for the purposes of funding
 143 projects pursuant to ss. 373.451-373.459 or surface water
 144 restoration activities in water-management-district-designated
 145 priority water bodies. The Secretary of Environmental Protection
 146 shall ensure that each water management district receives the
 147 following percentage of funds:

148 a. Thirty-five percent to the South Florida Water
 149 Management District.

150 b. Twenty-five percent to the Southwest Florida Water
 151 Management District.

152 c. Twenty-five percent to the St. Johns River Water
 153 Management District.

154 d. Seven and one-half percent to the Suwannee River Water
 155 Management District.

156 e. Seven and one-half percent to the Northwest Florida
 157 Water Management District.

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

161 Section 2. Paragraph (d) of subsection (1) of section
 162 201.15, Florida Statutes, is amended to read:

163 201.15 Distribution of taxes collected.—All taxes
 164 collected under this chapter are subject to the service charge
 165 imposed in s. 215.20(1). Prior to distribution under this
 166 section, the Department of Revenue shall deduct amounts
 167 necessary to pay the costs of the collection and enforcement of

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168 the tax levied by this chapter. Such costs and the service
169 charge may not be levied against any portion of taxes pledged to
170 debt service on bonds to the extent that the costs and service
171 charge are required to pay any amounts relating to the bonds.
172 After distributions are made pursuant to subsection (1), all of
173 the costs of the collection and enforcement of the tax levied by
174 this chapter and the service charge shall be available and
175 transferred to the extent necessary to pay debt service and any
176 other amounts payable with respect to bonds authorized before
177 January 1, 2010, secured by revenues distributed pursuant to
178 subsection (1). All taxes remaining after deduction of costs and
179 the service charge shall be distributed as follows:

180 (1) Sixty-three and thirty-one hundredths percent of the
181 remaining taxes shall be used for the following purposes:

182 (d) After the required payments under paragraphs (a), (b),
183 and (c), the remainder shall be paid into the State Treasury to
184 the credit of:

185 1. The Water Protection and Sustainability Program Trust
186 Fund in the Department of Environmental Protection in the amount
187 of \$100 million in each fiscal year, to be paid in quarterly
188 installments and used as required by s. 403.890.

189 2. The General Revenue Fund to be used and expended for
190 the purposes for which the General Revenue Fund was created and
191 exists by law.

192 Section 3. This act shall take effect July 1, 2012.