

By Senator Ring

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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.

18
19 Be It Enacted by the Legislature of the State of Florida:

20
21 Section 1. Section 403.890, Florida Statutes, is amended to
22 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

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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
57 Environmental Protection and the Department of Agriculture and
58 Consumer Services may adopt rules governing the distribution of

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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 Department
85 of Environmental Protection for the Disadvantaged Small
86 Community Wastewater Grant Program as provided in s. 403.1838.

87 ~~(2)(4)~~ On June 30, 2013 ~~2009~~, and every 24 months

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88 thereafter, the Department of Environmental Protection shall
89 request the return of all unencumbered funds distributed
90 pursuant to this section. These funds shall be deposited into
91 the Water Protection and Sustainability Program Trust Fund and
92 redistributed pursuant to ~~the provisions of~~ this section.

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

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

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

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

111 1. Fifty percent for the implementation of best management
112 practices and capital project expenditures necessary for the
113 implementation of the goals of the total maximum daily load
114 program established in s. 403.067. Of these funds, 85 percent
115 shall be transferred to the credit of the Department of
116 Environmental Protection Water Quality Assurance Trust Fund to

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

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

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146 following percentage of funds:

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

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

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

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

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

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

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

162 201.15 Distribution of taxes collected.—All taxes collected
163 under this chapter are subject to the service charge imposed in
164 s. 215.20(1). Prior to distribution under this section, the
165 Department of Revenue shall deduct amounts necessary to pay the
166 costs of the collection and enforcement of the tax levied by
167 this chapter. Such costs and the service charge may not be
168 levied against any portion of taxes pledged to debt service on
169 bonds to the extent that the costs and service charge are
170 required to pay any amounts relating to the bonds. After
171 distributions are made pursuant to subsection (1), all of the
172 costs of the collection and enforcement of the tax levied by
173 this chapter and the service charge shall be available and
174 transferred to the extent necessary to pay debt service and any

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175 other amounts payable with respect to bonds authorized before
176 January 1, 2010, secured by revenues distributed pursuant to
177 subsection (1). All taxes remaining after deduction of costs and
178 the service charge shall be distributed as follows:

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

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

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

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

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