

By Senator Hays

11-00692A-15

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1 A bill to be entitled
2 An act relating to trust funds administered by the
3 Department of Environmental Protection; amending s.
4 20.25501, F.S.; codifying the Administrative Trust
5 Fund, Environmental Laboratory Trust Fund, and Working
6 Capital Trust Fund; requiring the department to
7 administer such trust funds; providing for the funding
8 of such trust funds; amending s. 253.01, F.S.;
9 clarifying that the land granted to this state for
10 internal improvement purposes includes nonconservation
11 lands; amending s. 270.22, F.S.; conforming provisions
12 to changes made by the act; creating s. 376.41, F.S.;
13 codifying provisions relating to the Minerals Trust
14 Fund; creating s. 403.0874, F.S.; codifying provisions
15 relating to the Air Pollution Control Trust Fund;
16 amending s. 403.1832, F.S.; removing provisions
17 relating to federal aid; authorizing the department to
18 transfer all outstanding appropriations supported by
19 federal grants to the Federal Grants Trust Fund;
20 providing for expiration; amending s. 403.709, F.S.;
21 increasing the amount of funding for mosquito control;
22 limiting the amount of the funding that may be used
23 for a solid waste management grant program; deleting
24 obsolete provisions; reenacting ss. 253.02(1) and
25 253.05, F.S., to incorporate the amendment made to s.
26 253.01, F.S., in references thereto; reenacting s.
27 403.7095(3), F.S., to incorporate the amendment made
28 to s. 403.709, F.S., in a reference thereto; providing
29 an effective date.

11-00692A-15

2015428__

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

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33 Section 1. Section 20.25501, Florida Statutes, is amended
34 to read:

35 20.25501 ~~Federal Grants Trust Fund~~; Department of
36 Environmental Protection; trust funds. The following trust funds
37 shall be administered by the Department of Environmental
38 Protection:

39 (1) The Federal Grants Trust Fund ~~is created within the~~
40 ~~Department of Environmental Protection.~~

41 (a) ~~(2)~~ The trust fund is established for use as a
42 depository for funds to be used for allowable grant activities
43 funded by restricted program revenues from federal sources.
44 Moneys to be credited to the trust fund shall consist of grants
45 and funding from the Federal Government, interest earnings, and
46 cash advances from other trust funds.

47 (b) Funds shall be expended only pursuant to legislative
48 appropriation or an approved amendment to the department's
49 operating budget pursuant to the provisions of chapter 216.

50 (2) The Administrative Trust Fund.

51 (a) The trust fund is established for use as a depository
52 for funds to be used for management activities that are
53 departmental in nature and is funded by assessments against
54 trust funds.

55 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
56 any balance in the trust fund at the end of a fiscal year shall
57 remain in the trust fund and shall be available for carrying out
58 the purpose of the trust fund.

11-00692A-15

2015428__

59 (3) The Environmental Laboratory Trust Fund.

60 (a) The trust fund is established for use as a depository
61 for funds to be used for the operation of the department's
62 environmental laboratory program and is funded by program
63 revenues and assessments against trust funds.

64 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
65 any balance in the trust fund at the end of a fiscal year shall
66 remain in the trust fund and shall be available for carrying out
67 the purpose of the trust fund.

68 (4) The Working Capital Trust Fund.

69 (a) The trust fund is established for use as a depository
70 for funds to be used for the operation of the department's
71 information technology services and is funded by assessments
72 against trust funds.

73 (b) Notwithstanding s. 216.301 and pursuant to s. 216.351,
74 any balance in the trust fund at the end of a fiscal year shall
75 remain in the trust fund and shall be available for carrying out
76 the purpose of the trust fund.

77 Section 2. Paragraphs (a) and (b) of subsection (1) of
78 section 253.01, Florida Statutes, are amended to read:

79 253.01 Internal Improvement Trust Fund established.—

80 (1) (a) So much of the 500,000 acres of land granted to this
81 state for internal improvement purposes by an Act of Congress
82 passed March 3, ~~A. D.~~ 1845, as remains unsold, and the proceeds
83 of the sales of such lands heretofore sold as now remain on hand
84 and unappropriated, and all proceeds that may hereafter accrue
85 from the sales of such nonconservation lands and the sales of
86 all other nonconservation lands; and all the swampland or lands
87 subject to overflow granted this state by an Act of Congress

11-00692A-15

2015428__

88 approved September 28, ~~A. D.~~ 1850, together with all the
89 proceeds that have accrued or may hereafter accrue to the state
90 from the sale of such lands, are set apart, and declared a
91 separate and distinct fund called the Internal Improvement Trust
92 Fund ~~of the state~~, and are to be strictly applied according to
93 ~~the provisions of~~ this chapter.

94 (b) All revenues received from application fees charged by
95 the Division of State Lands for the use in any manner, lease,
96 conveyance, or release of any interest in or for the sale of
97 state-owned nonconservation state lands, except revenues from
98 such fees charged by the Department of Agriculture and Consumer
99 Services for aquaculture leases under ss. 253.71(2) and 597.010,
100 shall ~~must~~ be deposited into the Internal Improvement Trust
101 Fund. The fees charged by the division for reproduction of
102 records relating to state lands shall ~~must~~ also be placed into
103 the fund. Revenues received by the Department of Agriculture and
104 Consumer Services for aquaculture leases under ss. 253.71(2) and
105 597.010 shall be deposited into ~~in~~ the General Inspection Trust
106 Fund of the Department of Agriculture and Consumer Services.

107 Section 3. Subsection (1) of section 270.22, Florida
108 Statutes, is amended to read:

109 270.22 Proceeds of state lands to go into Internal
110 Improvement Trust Fund; exception.—

111 (1) Except as provided in subsection (2), the proceeds of
112 state nonconservation land, whether from the sale, lease, or
113 rental of, or the sale, lease, or rental of products in, on, or
114 under such land, the title to which has been or may be vested in
115 the Board of Trustees of the Internal Improvement Trust Fund by
116 the Legislature ~~of this state~~, or of land which has been or may

11-00692A-15

2015428__

117 be received by the board of trustees from other sources, shall
118 be paid into the Internal Improvement Trust Fund to become a
119 part of that fund, subject to disposition as is provided by the
120 laws ~~of this state~~ relating thereto.

121 Section 4. Section 376.41, Florida Statutes, is created to
122 read:

123 376.41 Minerals Trust Fund.-

124 (1) The Minerals Trust Fund is established in and
125 administered by the Department of Environmental Protection.

126 (2) Funds to be credited to and uses of the trust fund
127 shall be administered in accordance with ss. 211.06, 211.31,
128 211.3103, 376.11, 376.40, 377.24, 377.2408, 377.2425, 377.247,
129 and 377.41.

130 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,
131 any balance in the trust fund at the end of a fiscal year shall
132 remain in the trust fund and shall be available for carrying out
133 the purposes of the trust fund.

134 Section 5. Section 403.0874, Florida Statutes, is created
135 to read:

136 403.0874 Air Pollution Control Trust Fund.-

137 (1) The Air Pollution Control Trust Fund is established in
138 and administered by the Department of Environmental Protection.

139 (2) Funds to be credited to and uses of the trust fund
140 shall be administered in accordance with ss. 320.03, 376.60,
141 403.0872, and 403.0873.

142 (3) Notwithstanding s. 216.301 and pursuant to s. 216.351,
143 any balance in the trust fund at the end of a fiscal year shall
144 remain in the trust fund and shall be available for carrying out
145 the purposes of the trust fund.

11-00692A-15

2015428__

146 Section 6. Section 403.1832, Florida Statutes, is amended
147 to read:

148 403.1832 ~~Department to accept federal aid;~~ Grants and
149 Donations Trust Fund.-

150 ~~(1) The department is designated as the administrative~~
151 ~~agency of the state to apply for and accept any funds or other~~
152 ~~aid and to cooperate and enter into contracts and agreements~~
153 ~~with the Federal Government relating to the planning, design,~~
154 ~~construction, operation, maintenance, and enforcement activities~~
155 ~~of the program to provide clean air and water and pollution~~
156 ~~abatement of the air and waters of the state, including solid~~
157 ~~waste management, hazardous waste management, and ecosystem~~
158 ~~management and restoration, or to any other related~~
159 ~~environmental purposes authorized by the Congress of the United~~
160 ~~States. The department may, in the name of the state, make such~~
161 ~~applications, sign such documents, give such assurances, and do~~
162 ~~such other things as are necessary to obtain such aid from or~~
163 ~~cooperate with the United States Government or any agency~~
164 ~~thereof. The department may consent to enter into contracts and~~
165 ~~agreements and cooperate with any other state agency, local~~
166 ~~governmental agency, person, or other state when it is necessary~~
167 ~~to carry out the provisions of this section.~~

168 (1)(2) The Grants and Donations Trust Fund is ~~to be~~
169 administered by the Department of Environmental Protection. The
170 fund is intended to serve as the depository for federal grants
171 and funds to be used for allowable grant or donor agreement
172 activities funded by restricted contractual revenue from private
173 and public nonfederal sources received by the department and to
174 ~~assist in tracking and monitoring the use of federal funds that~~

11-00692A-15

2015428__

175 ~~are not otherwise deposited directly into a separate trust fund.~~
 176 ~~The Grants and Donations Trust Fund is intended to be a broad-~~
 177 ~~based fund from which moneys can be used for various~~
 178 ~~environmental and natural resource program purposes for which~~
 179 ~~the federal funds were intended. Funds may be expended for~~
 180 ~~purposes including, but not limited to:~~

- 181 ~~(a) Water quality improvement.~~
- 182 ~~(b) Management of solid and hazardous wastes.~~
- 183 ~~(c) Stormwater management.~~
- 184 ~~(d) Air quality improvement and management.~~
- 185 ~~(e) Wetland protection and management.~~
- 186 ~~(f) Marine research.~~
- 187 ~~(g) Marine habitat restoration and management.~~
- 188 ~~(h) Aquatic weed control.~~
- 189 ~~(i) Environmental regulatory compliance and enforcement.~~
- 190 ~~(j) Local or state recreational projects.~~

191 (2) The department may transfer all outstanding
 192 appropriations supported by federal grants to the Federal Grants
 193 Trust Fund. This subsection expires July 1, 2016.

194 Section 7. Paragraphs (c), (e), and (f) of subsection (1)
 195 of section 403.709, Florida Statutes, are amended to read:

196 403.709 Solid Waste Management Trust Fund; use of waste
 197 tire fees.—There is created the Solid Waste Management Trust
 198 Fund, to be administered by the department.

199 (1) From the annual revenues deposited in the trust fund,
 200 unless otherwise specified in the General Appropriations Act:

- 201 (c) Up to 14 ~~11~~ percent shall be used for funding to
- 202 supplement any other funds provided to the Department of
- 203 Agriculture and Consumer Services for mosquito control. This

11-00692A-15

2015428__

204 distribution shall be annually transferred to the General
205 Inspection Trust Fund in the Department of Agriculture and
206 Consumer Services to be used for mosquito control, especially
207 control of West Nile Virus.

208 (e) Up to 37 ~~A minimum of 40~~ percent shall be used for
209 funding a solid waste management grant program pursuant to s.
210 403.7095 for activities relating to recycling and waste
211 reduction, including waste tires requiring final disposal.

212 ~~(f) For the 2013-2014 fiscal year only, moneys in the Solid~~
213 ~~Waste Management Trust Fund may be transferred to the Save Our~~
214 ~~Everglades Trust Fund for Everglades restoration pursuant to s.~~
215 ~~216.181(12). This paragraph expires July 1, 2014.~~

216 Section 8. For the purpose of incorporating the amendment
217 made by this act to section 253.01, Florida Statutes, in a
218 reference thereto, subsection (1) of section 253.02, Florida
219 Statutes, is reenacted to read:

220 253.02 Board of trustees; powers and duties.—

221 (1) For the purpose of assuring the proper application of
222 the Internal Improvement Trust Fund and the Land Acquisition
223 Trust Fund for the purposes of this chapter, the land provided
224 for in ss. 253.01 and 253.03, and all the funds arising from the
225 sale thereof, after paying the necessary expense of selection,
226 management, and sale, are irrevocably vested in a board of four
227 trustees, to wit: The Governor, the Attorney General, the Chief
228 Financial Officer, and the Commissioner of Agriculture and their
229 successors in office, to hold the same in trust for the uses and
230 purposes provided in this chapter, with the power to sell and
231 transfer said lands to the purchasers and receive the power to
232 sell and transfer said lands to the purchasers and receive

11-00692A-15

2015428__

233 payment for the same, and invest the surplus moneys arising
234 therefrom, from time to time, in stocks of the United States,
235 stocks of the several states, or the internal improvement bonds
236 issued under the provisions of law; also, the surplus interest
237 accruing from such investments. Said board of trustees has all
238 the rights, powers, property, claims, remedies, actions, suits,
239 and things whatsoever belonging to them, or appertaining before
240 and at the time of the enactment hereof, and they shall remain
241 subject to and pay, fulfill, perform, and discharge all debts,
242 duties, and obligations of their trust, existing at the time of
243 the enactment hereof or provided in this chapter.

244 Section 9. For the purpose of incorporating the amendment
245 made by this act to section 253.01, Florida Statutes, in a
246 reference thereto, section 253.05, Florida Statutes, is
247 reenacted to read:

248 253.05 Prosecuting officers to assist in protecting state
249 lands.—State attorneys, other prosecuting officers of the state
250 or county, wildlife officers of the Fish and Wildlife
251 Conservation Commission, conservation officers, together with
252 the Secretary of Environmental Protection, and county sheriffs
253 and their deputies shall see that the lands owned by the state,
254 as described in ss. 253.01 and 253.03, shall not be the object
255 of damage, trespass, depredation, or unlawful use by any person.
256 The said officers and their deputies shall, upon information
257 that unlawful use is being made of state lands, report the same,
258 together with the information in their possession relating
259 thereto, to the Board of Trustees of the Internal Improvement
260 Trust Fund and shall cooperate with the said board in carrying
261 out the purposes of ss. 253.01-253.04 and this section. State

11-00692A-15

2015428__

262 attorneys and other prosecuting officers of the state or any
263 county, upon request of the Governor or Board of Trustees of the
264 Internal Improvement Trust Fund, shall institute and maintain
265 such legal proceedings as may be necessary to carry out the
266 purpose of said sections.

267 Section 10. For the purpose of incorporating the amendment
268 made by this act to section 403.709, Florida Statutes, in a
269 reference thereto, subsection (3) of section 403.7095, Florida
270 Statutes, is reenacted to read:

271 403.7095 Solid waste management grant program.—

272 (3) From the funds made available pursuant to s.
273 403.709(1)(e) for the grant program created by this section, the
274 following distributions shall be made:

275 (a) Up to 50 percent for the program described in
276 subsection (1); and

277 (b) Up to 50 percent for the program described in
278 subsection (2).

279 Section 11. This act shall take effect July 1, 2015.