

By Senator Broxson

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1 A bill to be entitled
2 An act relating to infrastructure project funding;
3 creating s. 216.3492, F.S.; defining terms;
4 prohibiting an administering agency from disbursing
5 funds from any category of the General Appropriations
6 Act for infrastructure projects under certain
7 conditions; requiring a grantee to use the revenues
8 for infrastructure projects for certain activities;
9 amending s. 373.501, F.S.; prohibiting water
10 management districts from appropriating or disbursing
11 funds to grantees for water-related projects unless
12 certain conditions are met; prohibiting potential
13 grantees from seeking funds for water-related projects
14 under certain conditions; defining the term "grantee";
15 amending s. 403.885, F.S.; prohibiting certain
16 entities from applying for water project grant
17 funding; prohibiting applicants from seeking water
18 project grant funding under certain conditions;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

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23 Section 1. Section 216.3492, Florida Statutes, is created
24 to read:

25 216.3492 Limitation on disbursements to certain local
26 governments and special districts for infrastructure projects.-

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

28 (a) "Administering agency" means the governmental agency or
29 entity charged in any category of the General Appropriations Act

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30 with administering or disbursing an appropriation.

31 (b) "General governmental functions" means all the
32 services, other than provision of utility services, provided by
33 a grantee. However, for the purposes of this section, the term
34 does not include administrative and support services provided by
35 the grantee to a government-owned utility under an approved cost
36 allocation plan.

37 (c) "Government-owned utility" means any electric, water,
38 stormwater, or wastewater utility system owned by a
39 municipality, a county, a rural electric cooperative, or a
40 special district created to own and operate a government-owned
41 utility.

42 (d) "Grantee" means a county, a municipality, a rural
43 electric cooperative, or a special district created to own and
44 operate a government-owned utility, which applies for funds
45 appropriated by the Legislature in the General Appropriations
46 Act.

47 (e) "Infrastructure project" means a project related to
48 coastal resiliency, flood control, stormwater management,
49 wastewater management, water supply, or power generation,
50 including the construction, renovation, maintenance, operations,
51 or repair of building or facility, fixtures and equipment.

52 (2) An administering agency may not disburse funds from any
53 category of the General Appropriations Act related to
54 infrastructure projects to a grantee if the grantee uses any
55 revenues collected in providing utility services to finance the
56 grantee's general governmental functions or to lend money to
57 finance the grantee's general governmental functions. To be
58 eligible for a disbursement of an appropriation or a grant by an

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59 administering agency, the grantee must use the revenues of the
60 government-owned utility exclusively for construction,
61 operations, maintenance, and administrative costs directly
62 associated with providing utility services to its customers.

63 Section 2. Subsection (3) is added to section 373.501,
64 Florida Statutes, to read:

65 373.501 Appropriation of funds to water management
66 districts; appropriation of funds from water management
67 districts.-

68 (3) A water management district may not appropriate or
69 disburse funds to a grantee from any source for any water-
70 related project, including, but not limited to, a coastal
71 resiliency, flood control, stormwater management, wastewater
72 management, or water supply project, if the recipient uses
73 revenues it collects in providing utility services to finance
74 the grantee's general governmental functions or to lend money to
75 finance the grantee's general governmental functions, as defined
76 in s. 216.3492(1)(b). A potential grantee may not seek funds if
77 any of the revenues it collects in providing utility services
78 are transferred to another fund to finance the grantee's general
79 governmental functions or if the revenues collected are used to
80 provide loans to finance its general governmental functions. For
81 purposes of this subsection, the term "grantee" means a county
82 or municipality that provides water, stormwater, or wastewater
83 services, or a special district created to own and operate a
84 utility that provides water, stormwater, or wastewater services.

85 Section 3. Subsection (1) of section 403.885, Florida
86 Statutes, is amended to read:

87 403.885 Water Projects Grant Program.-

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88 (1) The Department of Environmental Protection shall
89 administer a grant program to use funds appropriated by the
90 Legislature for water quality improvement, stormwater
91 management, wastewater management, and water restoration and
92 other water projects as specifically appropriated by the
93 Legislature. Eligible recipients of such grants include
94 counties, municipalities, water management districts, and
95 special districts that have legal responsibilities for water
96 quality improvement, water management, stormwater management,
97 wastewater management, lake and river water restoration
98 projects, and drinking water projects pursuant to this section.
99 To be eligible for grant funding, a recipient of grant funds
100 must verify to the department that it will use the revenues
101 received exclusively for construction, operations, maintenance,
102 or administrative costs directly associated with providing
103 utility services to its customers. A recipient may not apply for
104 grant funding if any of the revenues it collects from providing
105 utility services are transferred to any other fund to finance
106 the recipient's general governmental functions, as defined in s.
107 216.3492(1)(b), or if the revenues collected are used to lend
108 funds to finance the recipient's general governmental functions.

109 Section 4. This act shall take effect July 1, 2022.