

Bill No. CS for SB 24-C

Barcode 430156

CHAMBER ACTION

Senate

House

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The Conference Committee on CS for SB 24-C recommended the following amendment:

Conference Committee Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Paragraph (d) of subsection (1) and subsections (5) and (6) of section 201.15, Florida Statutes, are amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

(1) Sixty-two and sixty-three hundredths percent of the remaining taxes collected under this chapter shall be used for the following purposes:

(d) The remainder of the moneys distributed under this

Bill No. CS for SB 24-C

Barcode 430156

1 subsection, after the required payments under paragraphs (a),
2 (b), and (c), shall be paid into the State Treasury to the
3 credit of:

4 1. The State Transportation Trust Fund in the
5 Department of Transportation in the amount of \$541.75 million
6 in each fiscal year, to be paid in quarterly installments and
7 used for the following specified purposes, notwithstanding any
8 other law to the contrary:

9 a. For the purposes of capital funding for the New
10 Starts Transit Program, authorized by Title 49, U.S.C. s. 5309
11 and specified in s. 341.051, 10 percent of these funds;

12 b. For the purposes of the Small County Outreach
13 Program specified in s. 339.2818, 5 percent of these funds;

14 c. For the purposes of the Strategic Intermodal System
15 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75
16 percent of these funds after allocating for the New Starts
17 Transit Program described in sub-subparagraph a. and the Small
18 County Outreach Program described in sub-subparagraph b.; and

19 d. For the purposes of the Transportation Regional
20 Incentive Program specified in s. 339.2819, 25 percent of
21 these funds after allocating for the New Starts Transit
22 Program described in sub-subparagraph a. and the Small County
23 Outreach Program described in sub-subparagraph b.

24 2. For the 2007-2008 fiscal year and each fiscal year
25 thereafter, the Water Protection and Sustainability Program
26 Trust Fund in the Department of Environmental Protection in
27 the amount of \$80 ~~\$100~~ million in each fiscal year, to be paid
28 in quarterly installments and used as required by s. 403.890.

29 3. The Grants and Donations Trust Fund in the
30 Department of Community Affairs in the amount of \$3.25 million
31 in each fiscal year to be paid in monthly installments, with

Bill No. CS for SB 24-C

Barcode 430156

1 \$3 million to be used to fund technical assistance to local
2 governments and school boards on the requirements and
3 implementation of this act and \$250,000 to be used to fund the
4 Century Commission established in s. 163.3247.

5
6 Moneys distributed pursuant to this paragraph may not be
7 pledged for debt service unless such pledge is approved by
8 referendum of the voters.

9 (5)a. For the 2007-2008 fiscal year, 3.96 ~~Four and~~
10 ~~two-tenths~~ percent of the remaining taxes collected under this
11 chapter shall be paid into the State Treasury to the credit of
12 the Conservation and Recreation Lands Trust Fund to carry out
13 the purposes set forth in s. 259.032. Ten and five-hundredths
14 ~~Nine and one-half~~ percent of the amount credited to the
15 Conservation and Recreation Lands Trust Fund pursuant to this
16 subsection shall be transferred to the State Game Trust Fund
17 and used for land management activities.

18 b. Beginning July 1, 2008, 3.52 percent of the
19 remaining taxes collected under this chapter shall be paid
20 into the State Treasury to the credit of the Conservation and
21 Recreation Lands Trust Fund to carry out the purposes set
22 forth in s. 259.032. Eleven and fifteen hundredths percent of
23 the amount credited to the Conservation and Recreation Lands
24 Trust Fund pursuant to this subsection shall be transferred to
25 the State Game Trust Fund and used for land management
26 activities.

27 (6) The lesser of two and twenty-eight hundredths
28 percent of the remaining taxes collected under this chapter or
29 ~~\$34.1~~ ~~\$36.1~~ million in each fiscal year shall be paid into the
30 State Treasury to the credit of the Invasive Plant Control
31 Trust Fund to carry out the purposes set forth in ss. 369.22

Bill No. CS for SB 24-C

Barcode 430156

1 and 369.252 and for water projects as provided in the General
2 Appropriations Act.

3 Section 2. Section 403.890, Florida Statutes, is
4 amended to read:

5 403.890 Water Protection and Sustainability Program;
6 intent; goals; purposes.--

7 (1) Effective July 1, 2006, revenues transferred from
8 the Department of Revenue pursuant to s. 201.15(1)(d)2. shall
9 be deposited into the Water Protection and Sustainability
10 Program Trust Fund in the Department of Environmental
11 Protection. These revenues and any other additional revenues
12 deposited into or appropriated to the Water Protection and
13 Sustainability Trust Fund shall be distributed by the
14 Department of Environmental Protection in the following
15 manner:

16 (a) Sixty percent to the Department of Environmental
17 Protection for the implementation of an alternative water
18 supply program as provided in s. 373.1961.

19 (b) Twenty percent for the implementation of best
20 management practices and capital project expenditures
21 necessary for the implementation of the goals of the total
22 maximum daily loads program established in s. 403.067. Of
23 these funds, 85 percent shall be transferred to the credit of
24 the Department of Environmental Protection Water Quality
25 Assurance Trust Fund to address water quality impacts
26 associated with nonagricultural nonpoint sources. Fifteen
27 percent of these funds shall be transferred to the Department
28 of Agriculture and Consumer Services General Inspection Trust
29 Fund to address water quality impacts associated with
30 agricultural nonpoint sources. These funds shall be used for
31 research, development, demonstration, and implementation of

Bill No. CS for SB 24-C

Barcode 430156

1 the total maximum daily load program under s. 403.067,
2 suitable best management practices or other measures used to
3 achieve water quality standards in surface waters and water
4 segments identified pursuant to s. 303(d) of the Clean Water
5 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
6 Implementation of best management practices and other measures
7 may include cost-share grants, technical assistance,
8 implementation tracking, and conservation leases or other
9 agreements for water quality improvement. The Department of
10 Environmental Protection and the Department of Agriculture and
11 Consumer Services may adopt rules governing the distribution
12 of funds for implementation of capital projects, best
13 management practices, and other measures. These funds shall
14 not be used to abrogate the financial responsibility of those
15 point and nonpoint sources that have contributed to the
16 degradation of water or land areas. Increased priority shall
17 be given by the department and the water management district
18 governing boards to those projects that have secured a
19 cost-sharing agreement allocating responsibility for the
20 cleanup of point and nonpoint sources.

21 (c) Ten percent shall be disbursed for the purposes of
22 funding projects pursuant to ss. 373.451-373.459 or surface
23 water restoration activities in
24 water-management-district-designated priority water bodies.
25 The Secretary of Environmental Protection shall ensure that
26 each water management district receives the following
27 percentage of funds annually:

- 28 1. Thirty-five percent to the South Florida Water
29 Management District;
- 30 2. Twenty-five percent to the Southwest Florida Water
31 Management District;

Bill No. CS for SB 24-C

Barcode 430156

1 3. Twenty-five percent to the St. Johns River Water
2 Management District;

3 4. Seven and one-half percent to the Suwannee River
4 Water Management District; and

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

7 (d) Ten percent to the Department of Environmental
8 Protection for the Disadvantaged Small Community Wastewater
9 Grant Program as provided in s. 403.1838.

10 ~~(e) Beginning June 30, 2007, and every 24 months~~
11 ~~thereafter, the Department of Environmental Protection shall~~
12 ~~request the return of all unencumbered funds distributed~~
13 ~~pursuant to this section. These funds shall be deposited into~~
14 ~~the Water Protection and Sustainability Program Trust Fund and~~
15 ~~redistributed pursuant to the provisions of this section.~~

16 (2) Applicable beginning in the 2007-2008 fiscal year,
17 revenues transferred from the Department of Revenue pursuant
18 to s. 201.15(1)(d)2. shall be deposited into the Water
19 Protection and Sustainability Program Trust Fund in the
20 Department of Environmental Protection. These revenues and any
21 other additional revenues deposited into or appropriated to
22 the Water Protection and Sustainability Trust Fund shall be
23 distributed by the Department of Environmental Protection in
24 the following manner:

25 (a) Sixty-five percent to the Department of
26 Environmental Protection for the implementation of an
27 alternative water supply program as provided in s. 373.1961.

28 (b) Twenty-two and five-tenths percent for the
29 implementation of best management practices and capital
30 project expenditures necessary for the implementation of the
31 goals of the total maximum daily loads program established in

Bill No. CS for SB 24-C

Barcode 430156

1 s. 403.067. Of these funds, 83.33 percent shall be transferred
2 to the credit of the Department of Environmental Protection
3 Water Quality Assurance Trust Fund to address water quality
4 impacts associated with nonagricultural nonpoint sources.
5 Sixteen and sixty-seven hundredths percent of these funds
6 shall be transferred to the Department of Agriculture and
7 Consumer Services General Inspection Trust Fund to address
8 water quality impacts associated with agricultural nonpoint
9 sources. These funds shall be used for research, development,
10 demonstration, and implementation of the total maximum daily
11 load program under s. 403.067, suitable best management
12 practices or other measures used to achieve water quality
13 standards in surface waters and water segments identified
14 pursuant to s. 303(d) of the Clean Water Act, Pub. L. No.
15 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
16 management practices and other measures may include cost-share
17 grants, technical assistance, implementation tracking, and
18 conservation leases or other agreements for water quality
19 improvement. The Department of Environmental Protection and
20 the Department of Agriculture and Consumer Services may adopt
21 rules governing the distribution of funds for implementation
22 of capital projects, best management practices, and other
23 measures. These funds shall not be used to abrogate the
24 financial responsibility of those point and nonpoint sources
25 that have contributed to the degradation of water or land
26 areas. Increased priority shall be given by the department and
27 the water management district governing boards to those
28 projects that have secured a cost-sharing agreement allocating
29 responsibility for the cleanup of point and nonpoint sources.

30 (c) Twelve and five-tenths percent to the Department
31 of Environmental Protection for the Disadvantaged Small

Bill No. CS for SB 24-C

Barcode 430156

1 Community Wastewater Grant Program as provided in s. 403.1838.

2 (d) On June 30, 2009, and every 24 months thereafter,
3 the Department of Environmental Protection shall request the
4 return of all unencumbered funds distributed pursuant to this
5 section. These funds shall be deposited into the Water
6 Protection and Sustainability Program Trust Fund and
7 redistributed pursuant to the provisions of this section.

8 (3)(2) For fiscal year 2005-2006, funds deposited or
9 appropriated into the Water Protection and Sustainability
10 Trust Fund shall be distributed as follows:

11 (a) One hundred million dollars to the Department of
12 Environmental Protection for the implementation of an
13 alternative water supply program as provided in s. 373.1961.

14 (b) Funds remaining after the distribution provided
15 for in subsection (1) shall be distributed as follows:

16 1. Fifty percent for the implementation of best
17 management practices and capital project expenditures
18 necessary for the implementation of the goals of the total
19 maximum daily loads program established in s. 403.067. Of
20 these funds, 85 percent shall be transferred to the credit of
21 the Department of Environmental Protection Water Quality
22 Assurance Trust Fund to address water quality impacts
23 associated with nonagricultural nonpoint sources. Fifteen
24 percent of these funds shall be transferred to the Department
25 of Agriculture and Consumer Services General Inspection Trust
26 Fund to address water quality impacts associated with
27 agricultural nonpoint sources. These funds shall be used for
28 research, development, demonstration, and implementation of
29 suitable best management practices or other measures used to
30 achieve water quality standards in surface waters and water
31 segments identified pursuant to s. 303(d) of the Clean Water

Bill No. CS for SB 24-C

Barcode 430156

1 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
 2 Implementation of best management practices and other measures
 3 may include cost-share grants, technical assistance,
 4 implementation tracking, and conservation leases or other
 5 agreements for water quality improvement. The Department of
 6 Environmental Protection and the Department of Agriculture and
 7 Consumer Services may adopt rules governing the distribution
 8 of funds for implementation of best management practices.

9 These funds shall not be used to abrogate the financial
 10 responsibility of those point and nonpoint sources that have
 11 contributed to the degradation of water or land areas.

12 Increased priority shall be given by the department and the
 13 water management district governing boards to those projects
 14 that have secured a cost-sharing agreement allocating
 15 responsibility for the cleanup of point and nonpoint sources.

16 2. Twenty-five percent for the purposes of funding
 17 projects pursuant to ss. 373.451-373.459 or surface water
 18 restoration activities in water-management-district-designated
 19 priority water bodies. The Secretary of Environmental
 20 Protection shall ensure that each water management district
 21 receives the following percentage of funds annually:

22 a. Thirty-five percent to the South Florida Water
 23 Management District;

24 b. Twenty-five percent to the Southwest Florida Water
 25 Management District;

26 c. Twenty-five percent to the St. Johns River Water
 27 Management District;

28 d. Seven and one-half percent to the Suwannee River
 29 Water Management District; and

30 e. Seven and one-half percent to the Northwest Florida
 31 Water Management District.

Bill No. CS for SB 24-C

Barcode 430156

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

4
 5 Prior to the end of the 2008 Regular Session, the Legislature
 6 must review the distribution of funds under the Water
 7 Protection and Sustainability Program to determine if
 8 revisions to the funding formula are required. At the
 9 discretion of the President of the Senate and the Speaker of
 10 the House of Representatives, the appropriate substantive
 11 committees of the Legislature may conduct an interim project
 12 to review the Water Protection and Sustainability Program and
 13 the funding formula and make written recommendations to the
 14 Legislature proposing necessary changes, if any.

15 ~~(4)(3)~~ In addition to the uses allowed in subsection
 16 ~~(2)~~ ~~(1)~~ for the 2007-2008 fiscal year, interest earnings
 17 accumulated in the Water Protection and Sustainability Program
 18 Trust Fund shall be transferred to the Ecosystem Management
 19 and Restoration Trust Fund for grants and aids to local
 20 governments for water projects as provided in the General
 21 Appropriations Act. This subsection expires July 1, 2008.

22 Section 3. To the extent that revenues have been
 23 distributed before November 1, 2007, in excess of the amounts
 24 authorized in s. 403.892(2), Florida Statutes, as amended by
 25 this act, the Department of Environmental Protection shall
 26 reallocate the funds so that the total distribution in the
 27 2007-2008 fiscal year is consistent with the distribution set
 28 forth in s. 403.890(2), Florida Statutes, as amended by this
 29 act.

30 Section 4. This act shall take effect upon becoming a
 31 law.

Bill No. CS for SB 24-C

Barcode 430156

1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to trust funds; amending s.

8 201.15, F.S.; revising the amount of revenue

9 from the excise tax which is deposited into the

10 Water Protection and Sustainability Program

11 Trust Fund, the Conservation and Recreation

12 Lands Trust Fund, and the Invasive Plant

13 Control Trust Fund in the Department of

14 Environmental Protection and the State Game

15 Trust Fund in the Fish and Wildlife

16 Conservation Commission; amending s. 403.890,

17 F.S.; revising the distribution of funds into

18 the Water Protection and Sustainability Program

19 Trust Fund to conform to changes made by the

20 act; requiring the Department of Environmental

21 Protection to reallocate funds to conform to

22 changes in distributions made by the act;

23 providing an effective date.

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