

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  
 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

HB 1369

2012

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:

HB 1369

2012

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

HB 1369

2012

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.