

Committee Substitute for Senate Bill No. 1740

An act relating to trust funds; re-creating the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection without modification; repealing s. 403.891(3), F.S.; abrogating provisions relating to the termination of the trust fund, to conform; amending s. 403.890, F.S.; providing for the distribution of funds in the Water Protection and Sustainability Program Trust Fund for the 2009-2010 fiscal year; delaying the expiration of certain provisions relating to such fund; providing an effective date.

WHEREAS, the Legislature wishes to extend the life of the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection, which is otherwise scheduled to be terminated pursuant to constitutional mandate, and

WHEREAS, the Legislature has reviewed the trust fund before its scheduled termination date and has found it continues to meet an important public purpose, and

WHEREAS, the Legislature has found that existing public policy concerning the trust fund sets adequate parameters for its use, NOW, THEREFORE,

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

Section 1. The Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection, FLAIR number 37-2-603, which is to be terminated pursuant to Section 19(f), Article III of the State Constitution on July 1, 2009, is re-created.

Section 2. Subsection (3) of section 403.891, Florida Statutes, is repealed.

Section 3. Subsection (6) of section 403.890, Florida Statutes, as created by section 8 of chapter 2009-2, Laws of Florida, is amended to read:

403.890 Water Protection and Sustainability Program; intent; goals; purposes.—

(6) For the ~~2009-2010~~ 2008-2009 fiscal year only, ~~in lieu of the distributions authorized in subsection (2) for revenues transferred from the Department of Revenue pursuant to s. 201.15(1)(c)2., and after the distribution authorized in subsection (3), remaining funds shall be distributed as follows:~~

(a) Thirty-one and twenty-one hundredths percent to the Department of Environmental Protection for the implementation of an alternative water supply program as provided in s. 373.1961.

(b) Twenty-six and eighty-seven hundredths percent for the implementation of best management practices and capital project expenditures necessary for the implementation of the goals of the total maximum daily load

program established in s. 403.067. Of these funds, 86 percent shall be transferred to the credit of the Water Quality Assurance Trust Fund of the Department of Environmental Protection to address water quality impacts associated with nonagricultural nonpoint sources. Fourteen percent of these funds shall be transferred to the General Inspection Trust Fund of the Department of Agriculture and Consumer Services to address water quality impacts associated with agricultural nonpoint sources. These funds shall be used for research, development, demonstration, and implementation of the total maximum daily load program under s. 403.067, suitable best management practices, or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to s. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of capital projects, best management practices, and other measures. These funds may not be used to abrogate the financial responsibility of those point and nonpoint sources that have contributed to the degradation of water or land areas. Increased priority shall be given by the department and the water management district governing boards to those projects that have secured a cost-sharing agreement that allocates responsibility for the cleanup of point and nonpoint sources.

(c) Forty-one and ninety-two hundredths percent to the Department of Environmental Protection for the Disadvantaged Small Community Wastewater Grant Program as provided in s. 403.1838.

This subsection expires July 1, 2010 ~~2009~~.

Section 4. This act shall take effect July 1, 2009.

Approved by the Governor April 27, 2009.

Filed in Office Secretary of State April 27, 2009.