

## CHAPTER 2015-8

### Committee Substitute for Senate Bill No. 428

An act relating to trust funds administered by the Department of Environmental Protection; amending s. 20.25501, F.S.; codifying the Administrative Trust Fund, Environmental Laboratory Trust Fund, and Working Capital Trust Fund; requiring the department to administer such trust funds; providing for the funding of such trust funds; creating s. 376.41, F.S.; codifying provisions relating to the Minerals Trust Fund; creating s. 403.0874, F.S.; codifying provisions relating to the Air Pollution Control Trust Fund; amending s. 403.1832, F.S.; removing provisions relating to federal aid; authorizing the department to transfer all outstanding appropriations supported by federal grants to the Federal Grants Trust Fund; providing for expiration; amending s. 403.709, F.S.; increasing the amount of funding for mosquito control; limiting the amount of the funding that may be used for a solid waste management grant program; deleting obsolete provisions; reenacting s. 403.7095(3), F.S., to incorporate the amendment made to s. 403.709, F.S., in a reference thereto; providing an effective date.

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

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

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

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

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

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

(2) The Administrative Trust Fund.

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

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

(3) The Environmental Laboratory Trust Fund.

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

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

(4) The Working Capital Trust Fund.

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

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

Section 2. Section 376.41, Florida Statutes, is created to read:

376.41 Minerals Trust Fund.—

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

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

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

Section 3. Section 403.0874, Florida Statutes, is created to read:

403.0874 Air Pollution Control Trust Fund.—

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

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

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

Section 4. Section 403.1832, Florida Statutes, is amended to read:

403.1832 Department to accept federal aid; Grants and Donations Trust Fund.—

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

(1)(2) The Grants and Donations Trust Fund is to be administered by the Department of Environmental Protection. The fund is intended to serve as the depository for federal grants and funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources received by the department and to assist in tracking and monitoring the use of federal funds that are not otherwise deposited directly into a separate trust fund. The Grants and Donations Trust Fund is intended to be a broad-based fund from which moneys can be used for various environmental and natural resource program purposes for which the federal funds were intended. Funds may be expended for purposes including, but not limited to:

- ~~(a) Water quality improvement.~~
- ~~(b) Management of solid and hazardous wastes.~~
- ~~(c) Stormwater management.~~
- ~~(d) Air quality improvement and management.~~
- ~~(e) Wetland protection and management.~~
- ~~(f) Marine research.~~
- ~~(g) Marine habitat restoration and management.~~

- ~~(h) Aquatic weed control.~~
- ~~(i) Environmental regulatory compliance and enforcement.~~
- ~~(j) Local or state recreational projects.~~

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

Section 5. Paragraphs (c), (e), and (f) of subsection (1) of section 403.709, Florida Statutes, are amended to read:

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

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

(c) ~~Up to 14~~ 11 percent shall be used for funding to supplement any other funds provided to the Department of Agriculture and Consumer Services for mosquito control. This distribution shall be annually transferred to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services to be used for mosquito control, especially control of West Nile Virus.

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

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

Section 6. For the purpose of incorporating the amendment made by this act to section 403.709, Florida Statutes, in a reference thereto, subsection (3) of section 403.7095, Florida Statutes, is reenacted to read:

403.7095 Solid waste management grant program.—

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

- (a) Up to 50 percent for the program described in subsection (1); and
- (b) Up to 50 percent for the program described in subsection (2).

Section 7. This act shall take effect July 1, 2015.

Approved by the Governor April 16, 2015.

Filed in Office Secretary of State April 16, 2015.