

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: March 13, 1998 Revised: _____

Subject: Funding Sources for Agriculture Emergency Eradication Trust Fund

| | <u>Analyst</u> | <u>Staff Director</u> | <u>Reference</u> | <u>Action</u> |
|----|-----------------|-----------------------|------------------|---------------------|
| 1. | <u>Akhavein</u> | <u>Poole</u> | <u>AG</u> | <u>Favorable/CS</u> |
| 2. | <u>_____</u> | <u>_____</u> | <u>CA</u> | <u>_____</u> |
| 3. | <u>_____</u> | <u>_____</u> | <u>WM</u> | <u>_____</u> |
| 4. | <u>_____</u> | <u>_____</u> | <u>_____</u> | <u>_____</u> |
| 5. | <u>_____</u> | <u>_____</u> | <u>_____</u> | <u>_____</u> |

I. Summary:

This bill provides funding sources for the Agricultural Emergency Eradication Trust Fund (AEETF), which is created upon adoption of SB 1010. It transfers 0.65 percent of both highway fuel sales tax and State Comprehensive Enhanced Transportation Systems tax net proceeds on motor fuel from the State Transportation Trust Fund (STTF) to the AEETF. The revenue loss to the STTF is expected to be approximately \$5.97 million in fiscal year 1998-99, gradually increasing to approximately \$7.35 million in fiscal year 2003-04.

The bill discontinues the transfer of funds to the Agricultural Emergency Eradication Trust Fund when the unobligated balance of the trust fund exceeds \$20 million and reinstates the transfers when the unobligated balance of the trust fund falls below \$10 million. It requires the Commissioner of Agriculture to notify the Governor, the President of the Senate, and the Speaker of the House of Representatives when he certifies that an agricultural emergency exists and that funds from the Agricultural Emergency Eradication Trust Fund will be used.

The bill also appropriates \$6 million from the General Revenue Fund to the AEETF in fiscal year 1998-99, and, in subsequent fiscal years appropriates an amount equal to the previous year's transfers into the AEETF from the above mentioned motor fuel taxes.

The AEETF will provide funding in defined agricultural emergencies, such as unanticipated disease, insect infestation, emergency wildfire situations, or any natural disaster that threatens plants, livestock, or forest and wild lands in the state, for which ordinary funding sources are insufficient.

This bill amends sections 206.606 and 206.608, Florida Statutes.

This bill creates section 206.609, Florida Statutes.

II. Present Situation:

When funds specifically appropriated for an agricultural emergency are exhausted or insufficient, the Department of Agriculture and Consumer Services has no reserved funds available to eliminate the emergency and must request funds from the state's Working Capital Trust Fund (Rainy Day Fund). The department's resources were especially hard hit in 1997 when an outbreak of citrus canker was detected in May, and then, later that same month, Mediterranean fruit flies were discovered in Hillsborough County. The department has spent over \$27 million on these two emergencies alone. Approximately \$2.9 million came from General Revenue; \$9.9 million from the Working Capital Trust Fund (Rainy Day Fund); \$1.2 million from the Citrus Inspection Trust Fund, which the federal government requires to be paid back; \$10.2 million from the Plant Industry Trust Fund; and, \$2.7 million from the Contracts and Grants Trust Fund. Approximately \$11.5 million of these appropriations are from the \$17 million citrus canker lawsuit settlement with the USDA. In addition, the availability of federal funds for the state-federal cooperative brucellosis eradication program are at risk. The federal share will end in September 1998, but the program will continue to need funding in order to keep Florida brucellosis free. Dry conditions are likely to bring on emergency wildfires which would necessitate immediate funding. Other possible emergencies the department would need to address are Brown Citrus Aphids, Anthracnose Leatherleaf Ferns, Tropical Soda Apple, Mediterranean Fruit Flies, Oriental Fruit Flies, Grasshopper Infestation, Southern Pine Beetles, and Africanized Bees.

Currently, the proceeds of the municipal fuel tax and local option fuel tax, less the applicable service charges, refunds, and administrative costs, are transferred into either the Revenue Sharing Trust for Municipalities; the Fuel Tax Collection Trust Fund (some of these funds are diverted to the Department of Environmental Protection the State Game Trust Fund, and the Board of Regents); the Local Option Fuel Tax Trust Fund; or, the State Transportation Trust Fund. This money is then distributed by the Department of Revenue to the county and eligible municipal governments within the county in which the tax was collected. A portion of the taxes going into these trust funds are non-refunded agricultural gasoline taxes due farmers who are exempt from taxes on gasoline used off-road. Because of the complex and tedious process of filing the paperwork to receive the refunds, many farmers do not claim money that they are due and the refunds are subsequently deposited into one of the trust funds mentioned above.

III. Effect of Proposed Changes:

Section 1. Amends s. 206.606, F.S., to require 0.65 percent of the fuel sales tax that is deposited into the Fuel Tax Collection Trust Fund to be transferred to the Agricultural Emergency Eradication Trust Fund after deducting service charges and refunds.

Section 2. Amends s. 206.606, F.S., to require 0.65 percent of the fuel sales tax that is deposited into the Fuel Tax Collection Trust Fund to be transferred to the Agricultural Emergency Eradication Trust Fund after deducting service charges, refunds, and administrative costs. Provides for an effective date of July 1, 1999.

Section 3. Amends s. 206.608, F.S., to require 0.65 percent of the State Comprehensive Enhanced Transportation System Tax to be transferred to the Agricultural Emergency Eradication Trust Fund after deducting service charges.

Section 4. Amends s. 206.608, F.S., to require 0.65 percent of the State Comprehensive Enhanced Transportation System Tax to be transferred to the Agricultural Emergency Eradication Trust Fund after deducting service charges and administrative costs. Provides for an effective date of July 1, 1999.

Section 5. Creates s. 206.609, F.S., to discontinue the transfer of funds to the Agricultural Emergency Eradication Trust Fund when the unobligated balance of the trust fund exceeds \$20 million. Reinstates the transfers when the unobligated balance of the trust fund falls below \$10 million. Provides that a change in transfers shall take effect on the first day of the month after 30 days' notification to the Department of Revenue by the Department of Agriculture and Consumer Services. Requires any refunds claimed for off-road gasoline useage in excess of the refunds claimed during the fiscal year preceding the effective date of this act to be deducted from the amount transferred during the year the claims are made to the Agricultural Emergency Eradication Trust Fund.

Section 6. Requires the Commissioner of Agriculture to notify the Governor, the President of the Senate, and the Speaker of the House of Representatives when he certifies that an agricultural emergency exists and that funds from the Agricultural Emergency Eradication Trust Fund will be used.

Section 7. Appropriates \$6,000,000 for fiscal year 1998-1999, from the General Revenue Fund to the Agricultural Emergency Eradication Trust Fund. Appropriations shall be made in fiscal year 1999-2000 and each year thereafter, in an amount equal to the previous year's transfers into the trust fund from ss. 206.606 and 206.608, F.S.

Section 8. Provides that this act shall take effect July 1, 1998, except as otherwise expressly provided in the act. This act shall not take effect unless SB 1010 is adopted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

Refer to: C. Government Sector Impact.

B. Private Sector Impact:

The public sector will benefit substantially from the eradication of exotic pests and diseases that impact Florida’s crops and livestock.

C. Government Sector Impact:

| Anticipated Revenues: | Fiscal Year 98-99 | Fiscal Year 99-00 | Fiscal Year 00-01 |
|--|--------------------------|--------------------------|--------------------------|
| <u>Agricultural Emergency Eradication Trust Fund</u> | | | |
| Motor Fuel Taxes (SCETS Tax) | 2,140,000 | 2,220,000 | 2,310,000 |
| Motor Fuel Taxes (Sales Tax) | 3,830,000 | 3,980,000 | 4,150,000 |
| General Revenue Matching Funds | 6,000,000 | 5,970,000 | 6,200,000 |
| TOTAL REVENUES FOR AEETF: | 11,970,000 | 12,170,000 | 12,660,000 |

* Data provided by the Department of Transportation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
