

By the Committee on Agriculture and Senator Bronson

303-1725C-98

1 A bill to be entitled
2 An act relating to agriculture emergencies;
3 amending s. 206.606, F.S.; distributing fuel
4 sales tax deposited in the Fuel Tax Collection
5 Trust Fund to the Agricultural Emergency
6 Eradication Trust Fund; amending s. 206.608,
7 F.S.; distributing State Comprehensive Enhanced
8 Transportation System Tax deposited in the Fuel
9 Tax Collection Trust Fund to the Agricultural
10 Emergency Eradication Trust Fund; creating s.
11 206.609, F.S.; providing restrictions on the
12 transfer of moneys to the Agricultural
13 Emergency Eradication Trust Fund; requiring the
14 Commissioner of Agriculture to give notice
15 concerning the use of trust fund moneys;
16 providing appropriations; providing a
17 contingent effective date.

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19 Be It Enacted by the Legislature of the State of Florida:
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21 Section 1. Paragraph (d) is added to subsection (1) of
22 section 206.606, Florida Statutes, to read:

23 206.606 Distribution of certain proceeds.--
24 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
25 206.87(1)(e) shall be deposited in the Fuel Tax Collection
26 Trust Fund created by s. 206.875. Such moneys, exclusive of
27 the service charges imposed by s. 215.20, and exclusive of
28 refunds granted pursuant to s. 206.41, shall be distributed
29 monthly to the State Transportation Trust Fund, except that:
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1 (d) 0.65 percent of moneys collected pursuant to s.
2 206.41(1)(g) shall be transferred to the Agricultural
3 Emergency Eradication Trust Fund.

4 Section 2. Effective July 1, 1999, paragraph (d) is
5 added to subsection (1) of section 206.606, Florida Statutes,
6 as amended by chapter 96-321, Laws of Florida, to read:

7 206.606 Distribution of certain proceeds.--

8 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
9 206.87(1)(e) shall be deposited in the Fuel Tax Collection
10 Trust Fund. Such moneys, after deducting the service charges
11 imposed by s. 215.20, the refunds granted pursuant to s.
12 206.41, and the administrative costs incurred by the
13 department in collecting, administering, enforcing, and
14 distributing the tax, which administrative costs may not
15 exceed 2 percent of collections, shall be distributed monthly
16 to the State Transportation Trust Fund, except that:

17 (d) 0.65 percent of moneys collected pursuant to s.
18 206.41(1)(g) shall be transferred to the Agricultural
19 Emergency Eradication Trust Fund.

20 Section 3. Section 206.608, Florida Statutes, is
21 amended to read:

22 206.608 State Comprehensive Enhanced Transportation
23 System Tax.--Moneys received pursuant to ss. 206.41(1)(f) and
24 206.87(1)(d) shall be deposited in the Fuel Tax Collection
25 Trust Fund, and, after deducting the service charge pursuant
26 to chapter 215, shall be distributed as follows:

27 (1) 0.65 percent of the proceeds of the tax levied
28 pursuant to s. 206.41(1)(f) shall be transferred to the
29 Agricultural Emergency Eradication Trust Fund.

30 (2) The remaining proceeds of the tax levied pursuant
31 to s. 206.41(1)(f) and all of the proceeds from the tax

1 imposed by s. 206.87(1)(d) shall be ~~then~~ transferred into the
2 State Transportation Trust Fund, and may be used only for
3 projects in the adopted work program in the district in which
4 the tax proceeds are collected and, to the maximum extent
5 feasible, such moneys shall be programmed for use in the
6 county where collected. However, no revenue from the taxes
7 imposed pursuant to ss. 206.41(1)(f) and 206.87(1)(d) in a
8 county shall be expended unless the projects funded with such
9 revenues have been included in the work program adopted
10 pursuant to s. 339.135.

11 Section 4. Effective July 1, 1999, section 206.608,
12 Florida Statutes, as amended by chapter 96-323, Laws of
13 Florida, is amended to read:

14 206.608 State Comprehensive Enhanced Transportation
15 System Tax.--Moneys received pursuant to ss. 206.41(1)(f) and
16 206.87(1)(d) shall be deposited in the Fuel Tax Collection
17 Trust Fund, and, after deducting the service charge imposed in
18 chapter 215 and administrative costs incurred by the
19 department in collecting, administering, enforcing, and
20 distributing the tax, which administrative costs may not
21 exceed 2 percent of collections, shall be distributed as
22 follows:

23 (1) 0.65 percent of the proceeds of the tax levied
24 pursuant to s. 206.41(1)(f) shall be transferred to the
25 Agricultural Emergency Eradication Trust Fund.

26 (2) The remaining proceeds of the tax levied pursuant
27 to s. 206.41(1)(f) and all of the proceeds from the tax
28 imposed by s. 206.87(1)(d) shall ~~then~~ be transferred into the
29 State Transportation Trust Fund, and may be used only for
30 projects in the adopted work program in the district in which
31 the tax proceeds are collected and, to the maximum extent

1 feasible, such moneys shall be programmed for use in the
2 county where collected. However, no revenue from the taxes
3 imposed pursuant to ss. 206.41(1)(f) and 206.87(1)(d) in a
4 county shall be expended unless the projects funded with such
5 revenues have been included in the work program adopted
6 pursuant to s. 339.135.

7 Section 5. Section 206.609, Florida Statutes, is
8 created to read:

9 206.609 Transfer of funds to the Agricultural
10 Emergency Eradication Trust Fund.--Moneys transferred to the
11 Agricultural Emergency Eradication Trust Fund pursuant to ss.
12 206.606 and 206.608 are subject to the following provisions:

13 (1) If the unobligated balance of the Agricultural
14 Emergency Eradication Trust Fund exceeds \$20 million, the
15 transfers provided for in ss. 206.606 and 206.608 shall be
16 discontinued until the unobligated balance of the trust fund
17 falls below \$10 million, at which time such transfers shall be
18 reinstated to return the balance to \$20 million.

19 (2) A change in transfers pursuant to this section
20 shall take effect on the first day of the month after 30 days'
21 notification to the Department of Revenue by the Department of
22 Agriculture and Consumer Services when the unobligated balance
23 of the trust fund exceeds or falls below a limit set pursuant
24 to this section.

25 (3) Any refunds claimed under s. 206.41(4)(c)1. in
26 excess of the refunds claimed during the fiscal year preceding
27 the effective date of this act will be deducted from the
28 amount transferred, during the year the claims are made, to
29 the Agricultural Emergency Eradication Trust Fund.

30 Section 6. Whenever the Commissioner of Agriculture
31 certifies that an agricultural emergency exists for which

1 funds from the Agricultural Emergency Eradication Trust Fund
2 will be used, the commissioner must notify the Governor, the
3 President of the Senate, and the Speaker of the House of
4 Representatives.

5 Section 7. There is hereby appropriated from the
6 General Revenue Fund to the Agricultural Emergency Eradication
7 Trust Fund of the Department of Agriculture and Consumer
8 Services the sum of \$6,000,000 for fiscal year 1998-1999. In
9 fiscal year 1999-2000 and each year thereafter, there shall be
10 appropriated from the General Revenue Fund to the Agricultural
11 Emergency Eradication Trust Fund an amount equal to the
12 previous year's transfers into the trust fund from sections
13 206.606 and 206.608, Florida Statutes.

14 Section 8. Except as otherwise expressly provided in
15 this act, this act shall take effect July 1, 1998, but it
16 shall not take effect unless SB 1010 or similar legislation
17 creating the Agricultural Emergency Eradication Trust Fund is
18 adopted in the same legislative session or an extension
19 thereof.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1088

4 This committee substitute:

- 5 * Deletes the transfer of funds from the municipal tax on
6 motor fuel (s.206.605, F.S.) and the local option motor
7 fuel tax (s. 336.025, F.S.) to the Agricultural Emergency
8 Eradication Trust Fund.
9 * Raises the percentage of various motor fuel taxes to be
10 transferred to the Agricultural Emergency Eradication
11 Trust Fund from 0.41 percent to 0.65 percent.
12 * Discontinues the transfer of money if the unobligated
13 balance of the Agricultural Emergency Eradication Trust
14 Fund exceeds \$20 million.
15 * Reinstates the transfer of money when the unobligated
16 balance of the Agricultural Emergency Eradication Trust
17 Fund falls below \$10 million.
18 * Requires changes in the transfer of funds to take effect
19 on the first day of the month after 30 days' notification
20 to the Department of Revenue by the Department of
21 Agriculture and Consumer Services. Requires any refunds
22 claimed for off-road gasoline useage's in excess of the
23 refunds claimed during the fiscal year preceding the
24 effective date of this act to be deducted from the amount
25 transferred during the year the claims are made to the
26 Agricultural Emergency Eradication Trust Fund.
27 * Requires the Commissioner of Agriculture to notify the
28 Governor, the President of the Senate, and the Speaker of
29 the House of Representatives when he certifies that an
30 agricultural emergency exists and that funds from the
31 Agricultural Emergency Eradication Trust Fund will be
used.