

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(1)(d) and 206.608(1)
16 shall be discontinued until the unobligated balance of the
17 trust fund falls below \$10 million, at which time such
18 transfers shall be reinstated to return the balance to \$20
19 million.

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

26 (3)(a) Any refunds of the tax imposed under s.
27 206.41(1)(f) claimed under s. 206.41(4)(c)1. in excess of such
28 refunds claimed during the fiscal year preceding the effective
29 date of this act shall be deducted from the amount transferred
30 pursuant to s. 206.608(1), during the year the claims are
31 made, to the Agricultural Emergency Eradication Trust Fund.

1 (b) Any refunds of the tax imposed under s.
2 206.41(1)(g) claimed under s. 206.41(4)(c)1. in excess of such
3 refunds claimed during the fiscal year preceding the effective
4 date of this act shall be deducted from the amount transferred
5 pursuant to s. 206.606(1)(d), during the year the claims are
6 made, to the Agricultural Emergency Eradication Trust Fund.

7 Section 6. Whenever the Commissioner of Agriculture
8 certifies that an agricultural emergency exists for which
9 funds from the Agricultural Emergency Eradication Trust Fund
10 will be used, the commissioner must notify the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives.

13 Section 7. There is hereby appropriated from the
14 General Revenue Fund to the Agricultural Emergency Eradication
15 Trust Fund of the Department of Agriculture and Consumer
16 Services the sum of \$4,000,000 for fiscal year 1998-1999. In
17 fiscal year 1999-2000 and each year thereafter, there shall be
18 appropriated from the General Revenue Fund to the Agricultural
19 Emergency Eradication Trust Fund an amount equal to the
20 previous year's transfers into the trust fund from sections
21 206.606 and 206.608, Florida Statutes.

22 Section 8. Except as otherwise expressly provided in
23 this act, this act shall take effect July 1, 1998, but it
24 shall not take effect unless SB 1010 or similar legislation
25 creating the Agricultural Emergency Eradication Trust Fund is
26 adopted in the same legislative session or an extension
27 thereof.