

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. Notwithstanding any other legislation
22 passed and either signed by the Governor or allowed to become
23 law without signature to the contrary, the Legislature intends
24 that this bill be its full and total intent, regardless of
25 when it is presented to the Secretary of State.

26 Section 2. Paragraph (d) is added to subsection (1) of
27 section 206.606, Florida Statutes, to read:

28 206.606 Distribution of certain proceeds.--

29 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
30 206.87(1)(e) shall be deposited in the Fuel Tax Collection
31 Trust Fund created by s. 206.875. Such moneys, exclusive of

1 the service charges imposed by s. 215.20, and exclusive of
2 refunds granted pursuant to s. 206.41, shall be distributed
3 monthly to the State Transportation Trust Fund, except that:

4 (d) 0.65 percent of moneys collected pursuant to s.
5 206.41(1)(g) shall be transferred to the Agricultural
6 Emergency Eradication Trust Fund.

7 Section 3. Effective July 1, 1999, paragraph (d) is
8 added to subsection (1) of section 206.606, Florida Statutes,
9 as amended by chapter 96-321, Laws of Florida, to read:

10 206.606 Distribution of certain proceeds.--

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

20 (d) 0.65 percent of moneys collected pursuant to s.
21 206.41(1)(g) shall be transferred to the Agricultural
22 Emergency Eradication Trust Fund.

23 Section 4. Section 206.608, Florida Statutes, is
24 amended to read:

25 206.608 State Comprehensive Enhanced Transportation
26 System Tax.--Moneys received pursuant to ss. 206.41(1)(f) and
27 206.87(1)(d) shall be deposited in the Fuel Tax Collection
28 Trust Fund, and, after deducting the service charge pursuant
29 to chapter 215, shall be distributed as follows:

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

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

16 Section 5. Effective July 1, 1999, section 206.608,
17 Florida Statutes, as amended by chapter 96-323, Laws of
18 Florida, is amended to read:

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

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

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

13 Section 6. Section 206.609, Florida Statutes, is
14 created to read:

15 206.609 Transfer of funds to the Agricultural
16 Emergency Eradication Trust Fund.--Moneys transferred to the
17 Agricultural Emergency Eradication Trust Fund pursuant to ss.
18 206.606 and 206.608 are subject to the following provisions:

19 (1) If the unobligated balance of the Agricultural
20 Emergency Eradication Trust Fund exceeds \$20 million, the
21 transfers provided for in ss. 206.606(1)(d) and 206.608(1)
22 shall be discontinued until the unobligated balance of the
23 trust fund falls below \$10 million, at which time such
24 transfers shall be reinstated to return the balance to \$20
25 million.

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

1 (3)(a) Any refunds of the tax imposed under s.
2 206.41(1)(f) 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. 206.608(1), during the year the claims are
6 made, to the Agricultural Emergency Eradication Trust Fund.

7 (b) Any refunds of the tax imposed under s.
8 206.41(1)(g) claimed under s. 206.41(4)(c)1. in excess of such
9 refunds claimed during the fiscal year preceding the effective
10 date of this act shall be deducted from the amount transferred
11 pursuant to s. 206.606(1)(d), during the year the claims are
12 made, to the Agricultural Emergency Eradication Trust Fund.

13 Section 7. Whenever the Commissioner of Agriculture
14 certifies that an agricultural emergency exists for which
15 funds from the Agricultural Emergency Eradication Trust Fund
16 will be used, the commissioner must notify the Governor, the
17 President of the Senate, and the Speaker of the House of
18 Representatives.

19 Section 8. There is hereby appropriated from the
20 General Revenue Fund to the Agricultural Emergency Eradication
21 Trust Fund of the Department of Agriculture and Consumer
22 Services the sum of \$1,000,000 for fiscal year 1998-1999. In
23 fiscal year 1999-2000 and each year thereafter, there shall be
24 appropriated from the General Revenue Fund to the Agricultural
25 Emergency Eradication Trust Fund an amount equal to the
26 previous year's transfers into the trust fund from sections
27 206.606 and 206.608, Florida Statutes.

28 Section 9. Except as otherwise expressly provided in
29 this act, this act shall take effect July 1, 1998, but it
30 shall not take effect unless SB 1010 or similar legislation
31 creating the Agricultural Emergency Eradication Trust Fund is

1 adopted in the same legislative session or an extension
2 thereof.

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