

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; providing for
14 deductions from such moneys under certain
15 circumstances; requiring the Commissioner of
16 Agriculture to give notice concerning the use
17 of trust fund moneys; providing appropriations;
18 providing a contingent effective date.

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

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22 Section 1. Paragraph (d) is added to subsection (1) of
23 section 206.606, Florida Statutes, to read:

24 206.606 Distribution of certain proceeds.--

25 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
26 206.87(1)(e) shall be deposited in the Fuel Tax Collection
27 Trust Fund created by s. 206.875. Such moneys, exclusive of
28 the service charges imposed by s. 215.20, and exclusive of
29 refunds granted pursuant to s. 206.41, shall be distributed
30 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 95-417, 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 \$1 million 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 ss. 206.606**
21 **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 Committee Substitute for
25 Committee Substitute for House Bill 1847 or similar
26 legislation creating the Agricultural Emergency Eradication
27 Trust Fund is adopted in the same legislative session or an
28 extension thereof.

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