

By Senator Sullivan

22-909-98

See HB

1 A bill to be entitled
2 An act relating to funding for beach
3 management; amending s. 161.091, F.S.;
4 providing for funding of the state's beach
5 management plan through the Ecosystem
6 Management and Restoration Trust Fund;
7 providing that designated funds be deposited in
8 the trust fund and that funds in the trust fund
9 be used to fully implement the beach management
10 plan prior to being used for any other purpose;
11 amending s. 201.15, F.S.; providing for
12 appropriation of certain documentary stamp tax
13 revenues to the trust fund for purposes of
14 beach preservation and repair; providing an
15 effective date.

16
17 WHEREAS, Florida's number one tourist attraction is its
18 beaches, and

19 WHEREAS, according to the Office of Tourism, Trade, and
20 Economic Development, some 43 million tourists visited Florida
21 in 1996, spending \$37.9 billion in taxable sales and creating
22 781,400 travel-related jobs, and

23 WHEREAS, more than half of all tourists coming to
24 Florida spend at least part of their vacation on its beaches,
25 and

26 WHEREAS, in a recent study over 60 percent of the beach
27 tourists in Broward County said they would not return if there
28 were no beaches, and

29 WHEREAS, Florida's beaches produce additional state
30 sales and use tax revenues in excess of \$500 million in 1996,
31 and

1 WHEREAS, Florida's beaches and dunes provide
2 environmentally compatible storm protection to both developed
3 and undeveloped upland property, protecting more than \$150
4 billion in taxable property values in the state, and

5 WHEREAS, the Legislature in 1986, pursuant to s.
6 161.088, Florida Statutes, recognized that uncontrolled beach
7 erosion is a serious threat to the economic and general
8 welfare of the state and its people and that in many areas
9 beach erosion had already advanced to emergency proportions,
10 and

11 WHEREAS, since this declaration over a decade ago, the
12 health of Florida's beaches has further deteriorated and
13 continues to deteriorate to such an extent that over one-third
14 of the state's beaches are now critically eroded or eroding,
15 are no longer providing effective upland storm protection, and
16 as a result have lost much of their value to tourism, and

17 WHEREAS, the Legislature recognizes the urgency of the
18 problem and declares its intent to fund a comprehensive,
19 long-range beach management plan for erosion control; beach
20 preservation, restoration, and renourishment; and storm and
21 hurricane protection, and

22 WHEREAS, the Legislature has already allocated a
23 portion of the excise tax on documents for beach acquisition
24 and land management, and

25 WHEREAS, the Legislature has determined that it is also
26 appropriate to fund the preservation, restoration, and
27 management of Florida's beaches from the same revenue source,
28 NOW, THEREFORE,

29
30 Be It Enacted by the Legislature of the State of Florida:
31

1 Section 1. Section 161.091, Florida Statutes, is
2 amended to read:

3 161.091 Beach management; funding; repair and
4 maintenance strategy.--

5 (1) Subject to such appropriations as the Legislature
6 may make therefor from time to time, disbursements from the
7 Ecosystem Management and Restoration Florida Permit Fee Trust
8 Fund may be made by ~~the division subject to the approval of~~
9 the department in order to carry out the proper state
10 responsibilities in a comprehensive, long-range, statewide
11 beach management plan for erosion control; beach preservation,
12 ~~beach~~ restoration, and ~~beach~~ renourishment; and storm and
13 hurricane protection. ~~The department shall make a concerted~~
14 ~~effort to identify an additional dedicated revenue source to~~
15 ~~fund the beach management plan.~~

16 (2) ~~In concert with any increased funding,~~The
17 department shall develop a ~~corresponding~~ multiyear repair and
18 maintenance strategy that:

19 (a) Ensures the geographic coordination and sequencing
20 of prioritized projects;

21 (b) Reduces equipment mobilization and demobilization
22 costs;

23 (c) Maximizes the infusion of beach-quality sand into
24 the system;

25 (d) Extends the life of beach nourishment projects and
26 reduces the frequency of renourishment; and

27 (e) Promotes inlet sand bypassing to replicate the
28 natural flow of sand interrupted by inlets and ports.

29 (3) In accordance with the intent expressed in s.
30 161.088 and the legislative finding that erosion of the
31 beaches of this state is detrimental to tourism, the state's

1 major industry, further exposes the state's highly developed
2 coastline to severe storm damage, and threatens beach-related
3 jobs, which, if not stopped, could significantly reduce state
4 sales tax revenues, funds deposited into the State Treasury to
5 the credit of the Ecosystem Management and Restoration Trust
6 Fund, in the annual amounts provided in s. 201.15(8), shall be
7 used, for a period of not less than 15 years, to fund the
8 development, implementation, and administration of the state's
9 beach management plan, as provided in ss. 161.091-161.212,
10 prior to the use of funds in that trust fund for any other
11 purpose.

12 Section 2. Section 201.15, Florida Statutes, is
13 amended to read:

14 201.15 Distribution of taxes collected.--All taxes
15 collected under this chapter shall be subject to the service
16 charge imposed in s. 215.20(1) and shall be distributed as
17 follows:

18 (1) Sixty-two and sixty-three hundredths percent of
19 the remaining taxes collected under this chapter shall be used
20 for the following purposes:

21 (a) Subject to the maximum amount limitations set
22 forth in this paragraph, an amount as shall be necessary to
23 pay the debt service on, or fund debt service reserve funds,
24 rebate obligations, or other amounts with respect to bonds
25 issued pursuant to s. 375.051 and payable from moneys
26 transferred to the Land Acquisition Trust Fund pursuant to
27 this paragraph shall be paid into the State Treasury to the
28 credit of the Land Acquisition Trust Fund to be used for such
29 purposes. The amount transferred to the Land Acquisition Trust
30 Fund shall not exceed \$90 million in fiscal year 1992-1993,
31 \$120 million in fiscal year 1993-1994, \$150 million in fiscal

1 year 1994-1995, \$180 million in fiscal year 1995-1996, \$210
2 million in fiscal year 1996-1997, \$240 million in fiscal year
3 1997-1998, \$270 million in fiscal year 1998-1999, and \$300
4 million in fiscal year 1999-2000 and thereafter. No individual
5 series of bonds may be issued pursuant to this paragraph
6 unless the first year's debt service for such bonds is
7 specifically appropriated in the General Appropriations Act.
8 No moneys transferred to the Land Acquisition Trust Fund
9 pursuant to this paragraph, or earnings thereon, shall be used
10 or made available to pay debt service on the Save Our Coast
11 revenue bonds.

12 (b) The remainder of the moneys distributed under this
13 subsection, after the required payment under paragraph (a),
14 shall be paid into the State Treasury to the credit of the
15 Land Acquisition Trust Fund and may be used for any purpose
16 for which funds deposited in the Land Acquisition Trust Fund
17 may lawfully be used. Payments made under this paragraph
18 shall continue until the cumulative amount credited to the
19 Land Acquisition Trust Fund for the fiscal year under this
20 paragraph and paragraph (2)(b) equals 70 percent of the
21 current official forecast for distributions of taxes collected
22 under this chapter pursuant to subsection (2). As used in
23 this paragraph, the term "current official forecast" means the
24 most recent forecast as determined by the Revenue Estimating
25 Conference. If the current official forecast for a fiscal
26 year changes after payments under this paragraph have ended
27 during that fiscal year, no further payments are required
28 under this paragraph during the fiscal year.

29 (c) The remainder of the moneys distributed under this
30 subsection, after the required payments under paragraphs (a)
31 and (b), shall be paid into the State Treasury to the credit

1 of the General Revenue Fund of the state to be used and
2 expended for the purposes for which the General Revenue Fund
3 was created and exists by law or to the Ecosystem Management
4 and Restoration Trust Fund as provided in subsection (8).

5 (2) Seven and fifty-six hundredths percent of the
6 remaining taxes collected under this chapter shall be used for
7 the following purposes:

8 (a) Beginning in the month following the final payment
9 for a fiscal year under paragraph (1)(b), available moneys
10 shall be paid into the State Treasury to the credit of the
11 General Revenue Fund of the state to be used and expended for
12 the purposes for which the General Revenue Fund was created
13 and exists by law or to the Ecosystem Management and
14 Restoration Trust Fund as provided in subsection (8). Payments
15 made under this paragraph shall continue until the cumulative
16 amount credited to the General Revenue Fund for the fiscal
17 year under this paragraph equals the cumulative payments made
18 under paragraph (1)(b) for the same fiscal year.

19 (b) The remainder of the moneys distributed under this
20 subsection shall be paid into the State Treasury to the credit
21 of the Land Acquisition Trust Fund. Sums deposited in the
22 fund pursuant to this subsection may be used for any purpose
23 for which funds deposited in the Land Acquisition Trust Fund
24 may lawfully be used.

25 (3) One and ninety-four hundredths percent of the
26 remaining taxes collected under this chapter shall be paid
27 into the State Treasury to the credit of the Land Acquisition
28 Trust Fund. Moneys deposited in the trust fund pursuant to
29 this section shall be used for the following purposes:

30
31

1 (a) Sixty percent of the moneys shall be used to
2 acquire coastal lands or to pay debt service on bonds issued
3 to acquire coastal lands; and

4 (b) Forty percent of the moneys shall be used to
5 develop and manage lands acquired with moneys from the Land
6 Acquisition Trust Fund.

7 (4) Five and eighty-four hundredths percent of the
8 remaining taxes collected under this chapter shall be paid
9 into the State Treasury to the credit of the Water Management
10 Lands Trust Fund. Sums deposited in that fund may be used for
11 any purpose authorized in s. 373.59.

12 (5) Five and eighty-four hundredths percent of the
13 remaining taxes collected under this chapter shall be paid
14 into the State Treasury to the credit of the Conservation and
15 Recreation Lands Trust Fund to carry out the purposes set
16 forth in s. 259.032.

17 (6) Seven and fifty-three hundredths percent of the
18 remaining taxes collected under this chapter shall be paid
19 into the State Treasury to the credit of the State Housing
20 Trust Fund and shall be used as follows:

21 (a) Half of that amount shall be used for the purposes
22 for which the State Housing Trust Fund was created and exists
23 by law.

24 (b) Half of that amount shall be paid into the State
25 Treasury to the credit of the Local Government Housing Trust
26 Fund and shall be used for the purposes for which the Local
27 Government Housing Trust Fund was created and exists by law.

28 (7) Eight and sixty-six hundredths percent of the
29 remaining taxes collected under this chapter shall be paid
30 into the State Treasury to the credit of the State Housing
31 Trust Fund and shall be used as follows:

1 (a) Twelve and one-half percent of that amount shall
2 be deposited into the State Housing Trust Fund and be expended
3 by the Department of Community Affairs and by the Florida
4 Housing Finance Agency for the purposes for which the State
5 Housing Trust Fund was created and exists by law.

6 (b) Eighty-seven and one-half percent of that amount
7 shall be distributed to the Local Government Housing Trust
8 Fund and shall be used for the purposes for which the Local
9 Government Housing Trust Fund was created and exists by law.
10 Funds from this category may also be used to provide for state
11 and local services to assist the homeless.

12 (8) From the moneys specified in paragraphs (1)(c) and
13 (2)(a) and prior to deposit of any moneys into the General
14 Revenue Fund, \$10 million shall be paid into the State
15 Treasury to the credit of the Ecosystem Management and
16 Restoration Trust Fund in fiscal year 1998-1999, \$20 million
17 in fiscal year 1999-2000, and \$30 million in fiscal year
18 2000-2001 and each fiscal year thereafter, to be used for the
19 preservation and repair of the state's beaches as provided in
20 ss. 161.091-161.212.

21 ~~(9)~~(8) The Department of Revenue may use the payments
22 credited to trust funds pursuant to paragraphs (1)(b) and
23 (2)(b) and subsections (3), (4), (5), (6), and (7) to pay the
24 costs of the collection and enforcement of the tax levied by
25 this chapter. The percentage of such costs which may be
26 assessed against a trust fund is a ratio, the numerator of
27 which is payments credited to that trust fund under this
28 section and the denominator of which is the sum of payments
29 made under paragraphs (1)(b) and (2)(b) and subsections (3),
30 (4), (5), (6), and (7).

31

1 Section 3. This act shall take effect July 1 of the
2 year in which enacted.

3
4 *****

5 HOUSE SUMMARY

6 Provides for funding of the state's beach management plan
7 through the Ecosystem Management and Restoration Trust
8 Fund. Provides for deposit of a portion of documentary
9 stamp tax revenues into the trust fund for such purpose
10 and provides that funds in the trust fund be used to
11 fully implement the beach management plan prior to being
12 used for any other purpose. See bill for details.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31