

By Representative Rojas

1 A bill to be entitled
2 An act relating to sales tax revenues; creating
3 the Hurricane Irene Recovery and Rebuilding
4 Trust Fund within the Department of Community
5 Affairs and providing its purpose; requiring
6 the Comptroller to transfer sales tax
7 collections resulting from Hurricane Irene from
8 the General Revenue Fund to the trust fund for
9 a specified period; providing for the Governor
10 to authorize the transfer of funds from the
11 trust fund during a specified period to
12 specified municipalities and unincorporated
13 areas of Miami-Dade County for relief and
14 recovery activities related to Hurricane Irene;
15 providing requirements for such transfers and
16 for distributions therefrom; providing that the
17 Governor shall submit recommendations regarding
18 certain requests for funding to the
19 Legislature; prohibiting expenditure of
20 transferred funds for certain purposes;
21 providing for audits; providing for recovery of
22 improperly expended funds; providing for
23 transfer of the unobligated balance in the
24 trust fund to the Working Capital Fund on June
25 30, 2002; amending s. 215.22, F.S.; exempting
26 the trust fund from the service charge imposed
27 by s. 215.20(1), F.S.; providing an effective
28 date.

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30 Be It Enacted by the Legislature of the State of Florida:
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1 Section 1. There is hereby created the Hurricane Irene
2 Recovery and Rebuilding Trust Fund to be administered by the
3 Department of Community Affairs. The purpose of the trust fund
4 is to provide funding to assist with recovery and rebuilding
5 activities that are necessitated because of the flooding
6 caused by Hurricane Irene on October 15, 1999. Funds from the
7 trust fund shall be used to fund relief and recovery
8 activities requests from the following affected communities of
9 Miami-Dade County: the municipalities of Hialeah, Hialeah
10 Gardens, Homestead, and Sweetwater and the unincorporated
11 areas of Doral, Kendall, Northwest Miami-Dade, Redlands, and
12 Westchester.

13 Section 2. For fiscal years 1999-2000 and 2000-2001,
14 the Comptroller is directed to transfer the sales tax accruing
15 to the General Revenue Fund as a result of Hurricane Irene
16 from the General Revenue Fund to the Hurricane Irene Recovery
17 and Rebuilding Trust Fund. Transfers to the trust fund shall
18 be made monthly based on the latest official estimates of
19 sales tax accruing to the benefit of the General Revenue Fund
20 as a result of Hurricane Irene, as determined by the Revenue
21 Estimating Conference. For fiscal years 1999-2000 and
22 2000-2001, the initial official estimates anticipate transfers
23 of \$.... million and \$.... million, respectively. If any
24 adjustment to the official estimate is made by the Revenue
25 Estimating Conference, the Comptroller shall adjust future
26 transfers to make total transfers within each fiscal year
27 equal to the official estimate. If, for any fiscal year,
28 actual transfers for the previous fiscal year differ from the
29 official estimate for such year, the Comptroller shall adjust
30 future transfers accordingly. The first monthly transfer shall
31 be made within 10 days after the effective date of this act

1 and shall include the cumulative official monthly estimates
2 for such sales taxes for all previous months.

3 Section 3. Subject to compliance with the provisions
4 of this section, the Governor may authorize the transfer of
5 funds for Hurricane Irene relief and recovery activities from
6 the Hurricane Irene Recovery and Rebuilding Trust Fund to fund
7 requests from the affected communities in Miami-Dade County in
8 accordance with this act and the procedure for processing
9 budget amendments established by s. 216.181, Florida Statutes,
10 and after notice to and consultation with the Legislature as
11 required therein. Such requests must be made prior to the
12 effective date of legislation adopted in the 2000 Regular
13 Session appropriating funds from the trust fund for hurricane
14 relief. The Governor may authorize such transfer upon his
15 certification that the following criteria have been met:

16 (1) That funding requested by the local government is
17 necessary to maintain services or infrastructure essential to
18 support health, safety, and welfare functions and to reimburse
19 the local government for unanticipated expenses related
20 thereto incurred in responding to Hurricane Irene or for loss
21 of revenues related thereto due to the impact of Hurricane
22 Irene, until such time as the Legislature provides for other
23 relief.

24 (2) That insufficient federal funds, private funds, or
25 insurance proceeds are available for disbursement prior to the
26 effective date of legislation adopted in the 2000 Regular
27 Session appropriating funds from the trust fund for hurricane
28 relief to fund the request, and that, should sufficient funds
29 subsequently become available to meet the need of the original
30 budget amendment, the local government has agreed to reimburse
31 the state in the amount of such funds subsequently received.

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2 Transfers authorized by the Governor after his certification
3 that the criteria specified in subsections (1) and (2) have
4 been met may include, but are not limited to, transfers for
5 hazard mitigation; infrastructure and housing repairs and
6 replacement; flood elevation repairs for residential
7 structures required to be elevated to the base flood elevation
8 by flood plain management regulations adopted under federal
9 law and local ordinances enacted in compliance with federal
10 law, except that in no event shall the state's contribution be
11 more than 25 percent of the cost of any structural elevation
12 project; operating deficits; public health, environmental, and
13 business assistance programs; social and rehabilitative
14 service delivery systems; economic development programs; and
15 housing assistance programs. All transfers shall be in the
16 form of grants to the governing body of the affected
17 community, which may distribute funds only to applicants
18 therefor who are uninsured or underinsured persons suffering
19 crop or property damage in that community as a result of the
20 flooding caused by Hurricane Irene.

21 Section 4. By March 7, 2000, the Governor shall
22 examine all other requests for funding relief and recovery
23 activities related to Hurricane Irene, and requests made
24 pursuant to section 3 that do not result in the transfer of
25 funds, and shall make his recommendations for hurricane relief
26 for Hurricane Irene for fiscal years 1999-2000 and 2000-2001
27 to the Legislature.

28 Section 5. Funds transferred pursuant to this act may
29 not be expended for property lost due to criminal activity or
30 for lost wages incurred by a person other than a public
31 employee.

1 Section 6. An entity receiving funds as provided in
2 this act may use those funds only for purposes directly
3 associated with relief, recovery, or rebuilding resulting from
4 Hurricane Irene. All entities receiving funds as provided in
5 this act are subject to audit by the Auditor General upon
6 reasonable notice. If the Auditor General finds that any of
7 the funds were not spent in accordance with this act, the
8 Comptroller shall offset any future disbursements due until
9 the improperly expended funds are fully reimbursed. If funds
10 are not available to offset improper expenditures, the
11 Governor or Attorney General may bring an action to recover
12 improperly expended funds. Jurisdiction for such action is in
13 the circuit court.

14 Section 7. Any unobligated balance remaining within
15 the Hurricane Irene Recovery and Rebuilding Trust Fund on June
16 30, 2002, shall be transferred to the Working Capital Fund.

17 Section 8. Paragraph (v) is added to subsection (1) of
18 section 215.22, Florida Statutes, to read:

19 215.22 Certain income and certain trust funds
20 exempt.--

21 (1) The following income of a revenue nature or the
22 following trust funds shall be exempt from the deduction
23 required by s. 215.20(1):

24 (v) The Hurricane Irene Recovery and Rebuilding Trust
25 Fund.

26 Section 9. This act shall take effect upon becoming a
27 law.

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HOUSE SUMMARY

Creates the Hurricane Irene Recovery and Rebuilding Trust Fund within the Department of Community Affairs and provides its purpose. Requires the Comptroller to transfer sales tax collections resulting from Hurricane Irene from the General Revenue Fund to the trust fund for a specified period. Provides for the Governor to authorize the transfer of funds from the trust fund during a specified period to specified municipalities and unincorporated areas of Miami-Dade County for relief and recovery activities related to Hurricane Irene. Provides requirements for such transfers and for distributions therefrom. Provides that the Governor shall submit recommendations regarding certain requests for funding to the Legislature. Prohibits expenditure of transferred funds for certain purposes. Provides for audits. Provides for recovery of improperly expended funds. Provides for transfer of the unobligated balance in the trust fund to the Working Capital Fund on June 30, 2002. Exempts the trust fund from the service charge imposed by s. 215.20(1), F.S. See bill for details.