

Bill No. HB 1889, 1st Eng.

Barcode 710840

CHAMBER ACTION

Senate

House

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11 Senator Atwater moved the following amendment:

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13 **Senate Amendment (with title amendment)**

14 Delete everything after the enacting clause

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16 and insert:

17 Section 1. Section 201.15, Florida Statutes, is

18 amended to read:

 201.15 Distribution of taxes collected.--All taxes

20 collected under this chapter shall be distributed as follows

21 and shall be subject to the service charge imposed in s.

22 215.20(1), except that such service charge shall not be levied

23 against any portion of taxes pledged to debt service on bonds

24 to the extent that the amount of the service charge is

25 required to pay any amounts relating to the bonds:

26 (1) Sixty-two and sixty-three hundredths percent of

27 the remaining taxes collected under this chapter shall be used

28 for the following purposes:

29 (a) Amounts as shall be necessary to pay the debt

30 service on, or fund debt service reserve funds, rebate

31 obligations, or other amounts payable with respect to

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1 Preservation 2000 bonds issued pursuant to s. 375.051 and
2 Florida Forever bonds issued pursuant to s. 215.618, shall be
3 paid into the State Treasury to the credit of the Land
4 Acquisition Trust Fund to be used for such purposes. The
5 amount transferred to the Land Acquisition Trust Fund ~~for such~~
6 ~~purposes~~ shall not exceed \$300 million in fiscal year
7 1999-2000 and thereafter for Preservation 2000 bonds and bonds
8 issued to refund Preservation 2000 bonds, and \$300 million in
9 fiscal year 2000-2001 and thereafter for Florida Forever
10 bonds. The annual amount transferred to the Land Acquisition
11 Trust Fund for Florida Forever bonds shall not exceed \$30
12 million in the first fiscal year in which bonds are issued.
13 The limitation on the amount transferred shall be increased by
14 an additional \$30 million in each subsequent fiscal year, but
15 shall not exceed a total of \$300 million in any fiscal year
16 for all bonds issued. It is the intent of the Legislature that
17 all bonds issued to fund the Florida Forever Act be retired by
18 December 31, 2030. Except for bonds issued to refund
19 previously issued bonds, no series of bonds may be issued
20 pursuant to this paragraph unless such bonds are approved and
21 the debt service for the remainder of the fiscal year in which
22 the bonds are issued is specifically appropriated in the
23 General Appropriations Act. For purposes of refunding
24 Preservation 2000 bonds, amounts designated within this
25 section for Preservation 2000 and Florida Forever bonds may be
26 transferred between the two programs to the extent provided
27 for in the documents authorizing the issuance of the bonds.
28 The Preservation 2000 bonds and Florida Forever bonds shall be
29 equally and ratably secured by moneys distributable to the
30 Land Acquisition Trust Fund pursuant to this section, except
31 to the extent specifically provided otherwise by the documents

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1 authorizing the issuance of the bonds. No moneys transferred
2 to the Land Acquisition Trust Fund pursuant to this paragraph,
3 or earnings thereon, shall be used or made available to pay
4 debt service on the Save Our Coast revenue bonds.

5 (b) The remainder of the moneys distributed under this
6 subsection, after the required payment under paragraph (a),
7 shall be paid into the State Treasury to the credit of the
8 Save Our Everglades Trust Fund in amounts necessary to pay
9 debt service, provide reserves, and pay rebate obligations and
10 other amounts due with respect to bonds issued under s.
11 215.619.

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

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

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1 credit 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 or to the Marine Resources
 5 Conservation Trust Fund as provided in subsection (11).

6 (2) The lesser of seven and fifty-six hundredths
 7 percent of the remaining taxes collected under this chapter or
 8 \$84.9 million in each fiscal year shall be used for the
 9 following purposes:

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

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

28 (3) The lesser of one and ninety-four hundredths
 29 percent of the remaining taxes collected under this chapter or
 30 \$26 million in each fiscal year shall be paid into the State
 31 Treasury to the credit of the Land Acquisition Trust Fund.

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1 Moneys deposited in the trust fund pursuant to this section
2 shall be used ~~for the following purposes:~~

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

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

9 (4) The lesser of four and two-tenths percent of the
10 remaining taxes collected under this chapter or \$60.5 million
11 in each fiscal year shall be paid into the State Treasury to
12 the credit of the Water Management Lands Trust Fund. Sums
13 deposited in that fund may be used for any purpose authorized
14 in s. 373.59.

15 (5) Four and two-tenths percent of the remaining taxes
16 collected under this chapter shall be paid into the State
17 Treasury to the credit of the Conservation and Recreation
18 Lands Trust Fund to carry out the purposes set forth in s.
19 259.032. Nine and one-half percent of the amount credited to
20 the Conservation and Recreation Lands Trust Fund pursuant to
21 this subsection shall be transferred to the State Game Trust
22 Fund and used for land management activities.

23 (6) The lesser of two and twenty-eight hundredths
24 percent of the remaining taxes collected under this chapter or
25 \$36.1 million in each fiscal year shall be paid into the State
26 Treasury to the credit of the Invasive Plant Control Trust
27 Fund to carry out the purposes set forth in ss. 369.22 and
28 369.252.

29 (7) The lesser of one-half of one percent of the
30 remaining taxes collected under this chapter or \$9.3 million
31 in each fiscal year shall be paid into the State Treasury to

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1 the credit of the State Game Trust Fund to be used exclusively
2 for the purpose of implementing the Lake Restoration 2020
3 Program.

4 (8) One-half of one percent of the remaining taxes
5 collected under this chapter shall be paid into the State
6 Treasury and divided equally to the credit of the Department
7 of Environmental Protection Water Quality Assurance Trust Fund
8 to address water quality impacts associated with
9 nonagricultural nonpoint sources and to the credit of the
10 Department of Agriculture and Consumer Services General
11 Inspection Trust Fund to address water quality impacts
12 associated with agricultural nonpoint sources, respectively.

13 These funds shall be used for research, development,
14 demonstration, and implementation of suitable best management
15 practices or other measures used to achieve water quality
16 standards in surface waters and water segments identified
17 pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No.
18 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best
19 management practices and other measures may include cost-share
20 grants, technical assistance, implementation tracking, and
21 conservation leases or other agreements for water quality
22 improvement. The Department of Environmental Protection and
23 the Department of Agriculture and Consumer Services may adopt
24 rules governing the distribution of funds for implementation
25 of best management practices. The unobligated balance of funds
26 received from the distribution of taxes collected under this
27 chapter to address water quality impacts associated with
28 nonagricultural nonpoint sources will be excluded when
29 calculating the unobligated balance of the Water Quality
30 Assurance Trust Fund as it relates to the determination of the
31 applicable excise tax rate.

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1 (9) The lesser of seven and fifty-three hundredths
 2 percent of the remaining taxes collected under this chapter or
 3 \$107 million in each fiscal year shall be paid into the State
 4 Treasury to the credit of the State Housing Trust Fund and
 5 shall be used as follows:

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

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

13 (10) The lessor of eight and sixty-six hundredths
 14 percent of the remaining taxes collected under this chapter or
 15 \$136 million in each fiscal year shall be paid into the State
 16 Treasury to the credit of the State Housing Trust Fund and
 17 shall be used as follows:

18 (a) Twelve and one-half percent of that amount shall
 19 be deposited into the State Housing Trust Fund and be expended
 20 by the Department of Community Affairs and by the Florida
 21 Housing Finance Corporation for the purposes for which the
 22 State Housing Trust Fund was created and exists by law.

23 (b) Eighty-seven and one-half percent of that amount
 24 shall be distributed to the Local Government Housing Trust
 25 Fund and shall be used for the purposes for which the Local
 26 Government Housing Trust Fund was created and exists by law.
 27 Funds from this category may also be used to provide for state
 28 and local services to assist the homeless.

29 (11) From the moneys specified in paragraphs (1)(d)
 30 and (2)(a) and prior to deposit of any moneys into the General
 31 Revenue Fund, \$30 million shall be paid into the State

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1 Treasury to the credit of the Ecosystem Management and
 2 Restoration Trust Fund in fiscal year 2000-2001 and each
 3 fiscal year thereafter, to be used for the preservation and
 4 repair of the state's beaches as provided in ss.
 5 161.091-161.212, and \$2 million shall be paid into the State
 6 Treasury to the credit of the Marine Resources Conservation
 7 Trust Fund to be used for marine mammal care as provided in s.
 8 370.0603(3).

9 (12) The Department of Revenue may use the payments
 10 credited to trust funds pursuant to paragraphs (1)(c) and
 11 (2)(b) and subsections (3), (4), (5), (6), (7), (8), (9), and
 12 (10) to pay the costs of the collection and enforcement of the
 13 tax levied by this chapter. The percentage of such costs which
 14 may be assessed against a trust fund is a ratio, the numerator
 15 of which is payments credited to that trust fund under this
 16 section and the denominator of which is the sum of payments
 17 made under paragraphs (1)(c) and (2)(b) and subsections (3),
 18 (4), (5), (6), (7), (8), (9), and (10).

19 (13) The distribution of proceeds deposited into the
 20 Water Management Lands Trust Fund and the Conservation and
 21 Recreation Lands Trust Fund, pursuant to subsections (4) and
 22 (5), shall not be used for land acquisition, but may be used
 23 for preacquisition costs associated with land purchases. The
 24 Legislature intends that the Florida Forever program supplant
 25 the acquisition programs formerly authorized under ss. 259.032
 26 and 373.59. Prior to the 2005 Regular Session of the
 27 Legislature, the Acquisition and Restoration Council shall
 28 review and make recommendations to the Legislature concerning
 29 the need to repeal this provision. Based on these
 30 recommendations, the Legislature shall review the need to
 31 repeal this provision during the 2005 Regular Session.

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1 (14) Amounts distributed pursuant to subsections (5),
2 (6), (7) and (8) are subject to the payment of debt service on
3 outstanding Conservation and Recreation Lands revenue bonds.

4 (15) Beginning July 1, 2008, in each fiscal year that
5 the remaining taxes collected under this chapter exceed such
6 collections in the prior fiscal year, the stated maximum
7 dollar amounts provided in subsections (2), (4), (6), (7),
8 (9), and (10) shall each be increased by an amount equal to 10
9 percent of the increase in the remaining taxes collected under
10 this chapter multiplied by the applicable percentage provided
11 in those subsections.

12 (16) If the payment requirements in any year for bonds
13 outstanding on July 1, 2007, or bonds issued to refund such
14 bonds, exceed the limitations of this section, distributions
15 to the trust fund from which the bond payments are made shall
16 be increased to the lesser of the amount needed to pay bond
17 obligations or the limit of the applicable percentage
18 distribution provided in subsections (1)-(12).

19 (17) Distributions to the State Housing Trust Fund
20 pursuant to subsections (9) and (10) shall be sufficient to
21 cover amounts required to be transferred to the Florida
22 Affordable Housing Guarantee Program's annual debt service
23 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and
24 (b) up to but not exceeding the amount required to be
25 transferred to such reserve and fund based on the percentage
26 distribution of documentary stamp tax revenues to the State
27 Housing Trust Fund which is in effect in the 2004-2005 fiscal
28 year.

29 (18) The remaining taxes collected under this chapter,
30 after the distributions provided in the preceding subsections,
31 shall be paid into the State Treasury to the credit of the

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1 General Revenue Fund.

2 Section 2. Effective July 1, 2005, there is
3 appropriated for the 2005-2006 fiscal year to the Florida
4 Housing Finance Corporation \$175.5 million from the Local
5 Government Housing Trust Fund and \$74.5 million from the State
6 Housing Trust Fund for the purpose of providing funds to
7 eligible entities for affordable housing recovery efforts as
8 recommended by the Hurricane Housing Work Group. From these
9 funds, \$208,000,000 shall be for the Hurricane Housing
10 Recovery Program and shall be allocated as described in
11 Appendix 1, Table 3 of the Hurricane Housing Work Group
12 Recommendations to Assist in Florida's Long Term Housing
13 Recovery Efforts report dated February 16, 2005, as follows:
14 \$165,984,000 for Tier I counties, \$31,122,000 for Tier II
15 counties, \$10,374,000 for Tier III counties, and \$520,000 to
16 the Florida Housing Finance Corporation for compliance
17 monitoring. From these funds, an additional \$42,000,000 shall
18 be provided for the Rental Recovery Loan Program, as described
19 in the Hurricane Housing Work Group Recommendations to Assist
20 in Florida's Long Term Housing Recovery Efforts report dated
21 February 16, 2005, to assist with building and rehabilitating
22 affordable rental housing to help communities respond to
23 hurricane-recovery needs.

24 Section 3. To administer section 2 of this act, the
25 Florida Housing Finance Corporation may adopt emergency rules
26 pursuant to section 120.54, Florida Statutes. The Legislature
27 finds that emergency rules adopted pursuant to this section
28 meet the health, safety, and welfare requirement of section
29 120.54(4), Florida Statutes. The Legislature finds that such
30 emergency rulemaking power is necessary for the preservation
31 of the rights and welfare of the people in order to provide

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1 additional funds to assist those areas of the state which
 2 sustained housing damage due to hurricanes during 2004.
 3 Therefore, in adopting such emergency rules, the corporation
 4 need not make the findings required by section 120.54(4)(a),
 5 Florida Statutes. Emergency rules adopted under this section
 6 are exempt from section 120.54(4)(c), Florida Statutes, and
 7 shall remain in effect for 180 days.

8 Section 4. Except as otherwise expressly provided in
 9 this act, this act shall take effect July 1, 2007.

10

11

12 ===== T I T L E A M E N D M E N T =====

13 And the title is amended as follows:

14 Delete everything before the enacting clause

15

16 and insert:

17

 A bill to be entitled

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 An act relating to the distribution of proceeds

19

 from the excise tax on documents; amending s.

20

 201.15, F.S.; revising monetary criteria for

21

 distributing portions of the tax to certain

22

 trust funds; requiring that proceeds of the tax

23

 in excess of specified amounts be deposited

24

 into the General Revenue Fund; providing for

25

 increased distributions to certain trust funds

26

 under certain circumstances to provide for

27

 payments on bonds; revising monetary criteria

28

 for distributing portions of the tax to the

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 State Housing Trust Fund and the Local

30

 Government Housing Trust Fund for purposes of

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 preserving the rights of holders of affordable

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1 housing guarantees; requiring distributions to
2 the State Housing Trust Fund to be sufficient
3 for certain purposes; making appropriations;
4 authorizing the Florida Housing Finance
5 Corporation to adopt emergency rules; providing
6 legislative findings; exempting such emergency
7 rules from the requirements of s. 120.54, F.S.,
8 relating to the effective time period for
9 emergency rules; providing an effective date.

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