

Bill No. HB 1889, 1st Eng.

Barcode 874624

CHAMBER ACTION

Senate

House

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Senator Atwater moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 201.15, Florida Statutes, is amended to read:

201.15 Distribution of taxes collected.--All taxes collected under this chapter shall be distributed as follows and shall be subject to the service charge imposed in s. 215.20(1), except that such service charge shall not be levied against any portion of taxes pledged to debt service on bonds to the extent that the amount of the service charge is required to pay any amounts relating to the bonds:

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

(a) Amounts as shall be necessary to pay the debt service on, or fund debt service reserve funds, rebate 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.

9           Section 3. To administer section 2 of this act, the  
10 Florida Housing Finance Corporation may adopt emergency rules  
11 pursuant to section 120.54, Florida Statutes. The Legislature  
12 finds that emergency rules adopted pursuant to this section  
13 meet the health, safety, and welfare requirement of section  
14 120.54(4), Florida Statutes. The Legislature finds that such  
15 emergency rulemaking power is necessary for the preservation  
16 of the rights and welfare of the people in order to provide  
17 additional funds to assist those areas of the state which  
18 sustained housing damage due to hurricanes during 2004.  
19 Therefore, in adopting such emergency rules, the corporation  
20 need not make the findings required by section 120.54(4)(a),  
21 Florida Statutes. Emergency rules adopted under this section  
22 are exempt from section 120.54(4)(c), Florida Statutes, and  
23 shall remain in effect for 180 days.

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

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

29 And the title is amended as follows:

30           Delete everything before the enacting clause

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1 and insert:

2                                   A bill to be entitled

3           An act relating to the distribution of proceeds

4           from the excise tax on documents; amending s.

5           201.15, F.S.; revising monetary criteria for

6           distributing portions of the tax to certain

7           trust funds; requiring that proceeds of the tax

8           in excess of specified amounts be deposited

9           into the General Revenue Fund; providing for

10          increased distributions to certain trust funds

11          under certain circumstances to provide for

12          payments on bonds; revising monetary criteria

13          for distributing portions of the tax to the

14          State Housing Trust Fund and the Local

15          Government Housing Trust Fund for purposes of

16          preserving the rights of holders of affordable

17          housing guarantees; requiring distributions to

18          the State Housing Trust Fund to be sufficient

19          for certain purposes; making appropriations;

20          authorizing the Florida Housing Finance

21          Corporation to adopt emergency rules; providing

22          legislative findings; exempting such emergency

23          rules from the requirements of s. 120.54, F.S.,

24          relating to the effective time period for

25          emergency rules; providing an effective date.

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