

1                                   A bill to be entitled  
 2           An act relating to the distribution of proceeds from the  
 3           excise tax on documents; amending s. 201.15, F.S.;  
 4           revising monetary criteria for distributing portions of  
 5           the tax to certain trust funds; revising authorization for  
 6           the Department of Revenue to use certain amounts for  
 7           certain purposes; requiring that proceeds of the tax in  
 8           excess of specified amounts be deposited into the General  
 9           Revenue Fund; providing for increased distributions to  
 10          certain trust funds under certain circumstances to provide  
 11          for payments on bonds; revising monetary criteria for  
 12          distributing portions of the tax to the State Housing  
 13          Trust Fund and the Local Government Housing Trust Fund for  
 14          purposes of preserving the rights of holders of affordable  
 15          housing guarantees; providing effective dates.

16  
 17   Be It Enacted by the Legislature of the State of Florida:

18  
 19           Section 1.   Section 201.15, Florida Statutes, is amended to  
 20   read:

21           201.15   Distribution of taxes collected.--All taxes  
 22   collected under this chapter shall be distributed as follows and  
 23   shall be subject to the service charge imposed in s. 215.20(1),  
 24   except that such service charge shall not be levied against any  
 25   portion of taxes pledged to debt service on bonds to the extent  
 26   that the amount of the service charge is required to pay any  
 27   amounts relating to the bonds:

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

31 (a) Amounts as shall be necessary to pay the debt service  
32 on, or fund debt service reserve funds, rebate obligations, or  
33 other amounts payable with respect to Preservation 2000 bonds  
34 issued pursuant to s. 375.051 and Florida Forever bonds issued  
35 pursuant to s. 215.618, shall be paid into the State Treasury to  
36 the credit of the Land Acquisition Trust Fund to be used for  
37 such purposes. The amount transferred to the Land Acquisition  
38 Trust Fund ~~for such purposes~~ shall not exceed \$300 million in  
39 fiscal year 1999-2000 and thereafter for Preservation 2000 bonds  
40 and bonds issued to refund Preservation 2000 bonds, and \$300  
41 million in fiscal year 2000-2001 and thereafter for Florida  
42 Forever bonds. The annual amount transferred to the Land  
43 Acquisition Trust Fund for Florida Forever bonds shall not  
44 exceed \$30 million in the first fiscal year in which bonds are  
45 issued. The limitation on the amount transferred shall be  
46 increased by an additional \$30 million in each subsequent fiscal  
47 year, but shall not exceed a total of \$300 million in any fiscal  
48 year for all bonds issued. It is the intent of the Legislature  
49 that all bonds issued to fund the Florida Forever Act be retired  
50 by December 31, 2030. Except for bonds issued to refund  
51 previously issued bonds, no series of bonds may be issued  
52 pursuant to this paragraph unless such bonds are approved and  
53 the debt service for the remainder of the fiscal year in which  
54 the bonds are issued is specifically appropriated in the General  
55 Appropriations Act. For purposes of refunding Preservation 2000

56 | bonds, amounts designated within this section for Preservation  
57 | 2000 and Florida Forever bonds may be transferred between the  
58 | two programs to the extent provided for in the documents  
59 | authorizing the issuance of the bonds. The Preservation 2000  
60 | bonds and Florida Forever bonds shall be equally and ratably  
61 | secured by moneys distributable to the Land Acquisition Trust  
62 | Fund pursuant to this section, except to the extent specifically  
63 | provided otherwise by the documents authorizing the issuance of  
64 | the bonds. No moneys transferred to the Land Acquisition Trust  
65 | Fund pursuant to this paragraph, or earnings thereon, shall be  
66 | used or made available to pay debt service on the Save Our Coast  
67 | revenue bonds.

68 |       (b) The remainder of the moneys distributed under this  
69 | subsection, after the required payment under paragraph (a),  
70 | shall be paid into the State Treasury to the credit of the Save  
71 | Our Everglades Trust Fund in amounts necessary to pay debt  
72 | service, provide reserves, and pay rebate obligations and other  
73 | amounts due with respect to bonds issued under s. 215.619.

74 |       (c) The remainder of the moneys distributed under this  
75 | subsection, after the required payments under paragraphs (a) and  
76 | (b), shall be paid into the State Treasury to the credit of the  
77 | Land Acquisition Trust Fund and may be used for any purpose for  
78 | which funds deposited in the Land Acquisition Trust Fund may  
79 | lawfully be used. Payments made under this paragraph shall  
80 | continue until the cumulative amount credited to the Land  
81 | Acquisition Trust Fund for the fiscal year under this paragraph  
82 | and paragraph (2)(b) equals 70 percent of the current official  
83 | forecast for distributions of taxes collected under this chapter

84 pursuant to subsection (2). As used in this paragraph, the term  
 85 "current official forecast" means the most recent forecast as  
 86 determined by the Revenue Estimating Conference. If the current  
 87 official forecast for a fiscal year changes after payments under  
 88 this paragraph have ended during that fiscal year, no further  
 89 payments are required ~~under this paragraph~~ during the fiscal  
 90 year.

91 (d) The remainder of the moneys distributed under this  
 92 subsection, after the required payments under paragraphs (a),  
 93 (b), and (c), shall be paid into the State Treasury to the  
 94 credit of the General Revenue Fund ~~of the state~~ to be used and  
 95 expended for the purposes for which the General Revenue Fund was  
 96 created and exists by law or to the Ecosystem Management and  
 97 Restoration Trust Fund or to the Marine Resources Conservation  
 98 Trust Fund as provided in subsection (11).

99 (2) The lesser of seven and fifty-six hundredths percent  
 100 of the remaining taxes collected under this chapter or \$84.9  
 101 million shall be used for the following purposes:

102 (a) Beginning in the month following the final payment for  
 103 a fiscal year under paragraph (1)(c), available moneys shall be  
 104 paid into the State Treasury to the credit of the General  
 105 Revenue Fund ~~of the state~~ to be used and expended for the  
 106 purposes for which the General Revenue Fund was created and  
 107 exists by law or to the Ecosystem Management and Restoration  
 108 Trust Fund or to the Marine Resources Conservation Trust Fund as  
 109 provided in subsection (11). Payments made under this paragraph  
 110 shall continue until the cumulative amount credited to the  
 111 General Revenue Fund for the fiscal year under this paragraph

112 equals the cumulative payments made under paragraph (1)(c) for  
 113 the same fiscal year.

114 (b) The remainder of the moneys distributed under this  
 115 subsection shall be paid into the State Treasury to the credit  
 116 of the Land Acquisition Trust Fund. Sums deposited in the fund  
 117 pursuant to this subsection may be used for any purpose for  
 118 which funds deposited in the Land Acquisition Trust Fund may  
 119 lawfully be used.

120 (3) The lesser of one and ninety-four hundredths percent  
 121 of the remaining taxes collected under this chapter or \$26  
 122 million shall be paid into the State Treasury to the credit of  
 123 the Land Acquisition Trust Fund. Moneys deposited in the trust  
 124 fund pursuant to this section shall be used ~~for the following~~  
 125 ~~purposes:~~

126 ~~(a) Sixty percent of the moneys shall be used to acquire~~  
 127 ~~coastal lands or to pay debt service on bonds issued to acquire~~  
 128 ~~coastal lands; and~~

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

132 (4) The lesser of four and two-tenths percent of the  
 133 remaining taxes collected under this chapter or \$60.2 million  
 134 shall be paid into the State Treasury to the credit of the Water  
 135 Management Lands Trust Fund. Sums deposited in that fund may be  
 136 used for any purpose authorized in s. 373.59.

137 (5) The lesser of four and two-tenths percent of the  
 138 remaining taxes collected under this chapter or \$66.9 million  
 139 shall be paid into the State Treasury to the credit of the

140 Conservation and Recreation Lands Trust Fund to carry out the  
 141 purposes set forth in s. 259.032. The lesser of nine and one-  
 142 half percent of the amount credited to the Conservation and  
 143 Recreation Lands Trust Fund pursuant to this subsection or \$5.9  
 144 million shall be transferred to the State Game Trust Fund and  
 145 used for land management activities.

146 (6) The lesser of two and twenty-eight hundredths percent  
 147 of the remaining taxes collected under this chapter or \$29.4  
 148 million shall be paid into the State Treasury to the credit of  
 149 the Invasive Plant Control Trust Fund to carry out the purposes  
 150 set forth in ss. 369.22 and 369.252.

151 (7) The lesser of one-half of one percent of the remaining  
 152 taxes collected under this chapter or \$7.4 million shall be paid  
 153 into the State Treasury to the credit of the State Game Trust  
 154 Fund to be used exclusively for the purpose of implementing the  
 155 Lake Restoration 2020 Program.

156 (8) The lesser of one-half of one percent of the remaining  
 157 taxes collected under this chapter or \$7.4 million shall be paid  
 158 into the State Treasury and divided equally to the credit of the  
 159 Department of Environmental Protection Water Quality Assurance  
 160 Trust Fund to address water quality impacts associated with  
 161 nonagricultural nonpoint sources and to the credit of the  
 162 Department of Agriculture and Consumer Services General  
 163 Inspection Trust Fund to address water quality impacts  
 164 associated with agricultural nonpoint sources, respectively.  
 165 These funds shall be used for research, development,  
 166 demonstration, and implementation of suitable best management  
 167 practices or other measures used to achieve water quality

168 standards in surface waters and water segments identified  
 169 pursuant to ~~ss. 303(d) of the Clean Water Act, Pub. L. No. 92-~~  
 170 ~~500,~~ 33 U.S.C. s. 1313(d) ~~ss. 1251 et seq.~~ Implementation of  
 171 best management practices and other measures may include cost-  
 172 share grants, technical assistance, implementation tracking, and  
 173 conservation leases or other agreements for water quality  
 174 improvement. The Department of Environmental Protection and the  
 175 Department of Agriculture and Consumer Services may adopt rules  
 176 governing the distribution of funds for implementation of best  
 177 management practices. The unobligated balance of funds received  
 178 from the distribution of taxes collected under this chapter to  
 179 address water quality impacts associated with nonagricultural  
 180 nonpoint sources will be excluded when calculating the  
 181 unobligated balance of the Water Quality Assurance Trust Fund as  
 182 it relates to the determination of the applicable excise tax  
 183 rate.

184 (9) Seven and forty-five ~~fifty-three~~ hundredths percent of  
 185 the remaining taxes collected under this chapter shall be paid  
 186 into the State Treasury to the credit of the State Housing Trust  
 187 Fund and shall be used as follows:

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

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

195           (10) Eight and fifty-seven ~~sixty-six~~ hundredths percent of  
196 the remaining taxes collected under this chapter shall be paid  
197 into the State Treasury to the credit of the State Housing Trust  
198 Fund and shall be used as follows:

199           (a) Twelve and one-half percent of that amount shall be  
200 deposited into the State Housing Trust Fund and be expended by  
201 the Department of Community Affairs and by the Florida Housing  
202 Finance Corporation for the purposes for which the State Housing  
203 Trust Fund was created and exists by law.

204           (b) Eighty-seven and one-half percent of that amount shall  
205 be distributed to the Local Government Housing Trust Fund and  
206 shall be used for the purposes for which the Local Government  
207 Housing Trust Fund was created and exists by law. Funds from  
208 this category may also be used to provide for state and local  
209 services to assist the homeless.

210           (11) From the moneys specified in paragraphs (1)(d) and  
211 (2)(a) and prior to deposit of any moneys into the General  
212 Revenue Fund, \$30 million shall be paid into the State Treasury  
213 to the credit of the Ecosystem Management and Restoration Trust  
214 Fund ~~in fiscal year 2000-2001 and each fiscal year thereafter,~~  
215 to be used for the preservation and repair of the state's  
216 beaches as provided in ss. 161.091-161.212, and \$2 million shall  
217 be paid into the State Treasury to the credit of the Marine  
218 Resources Conservation Trust Fund to be used for marine mammal  
219 care as provided in s. 370.0603(3).

220           (12) The Department of Revenue may use \$8.3 million of the  
221 remaining taxes ~~payments credited to trust funds pursuant to~~  
222 ~~paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6),~~



223 ~~(7), (8), (9), and (10)~~ to pay the costs of the collection and  
 224 enforcement of the tax levied by this chapter. ~~The percentage of~~  
 225 ~~such costs which may be assessed against a trust fund is a~~  
 226 ~~ratio, the numerator of which is payments credited to that trust~~  
 227 ~~fund under this section and the denominator of which is the sum~~  
 228 ~~of payments made under paragraphs (1)(c) and (2)(b) and~~  
 229 ~~subsections (3), (4), (5), (6), (7), (8), (9), and (10).~~

230 (13) The remaining taxes collected under this chapter  
 231 shall be paid into the State Treasury to the credit of the  
 232 General Revenue Fund.

233 (14) If the payment requirements in any year for bonds  
 234 outstanding on July 1, 2006, exceed the limitations of this  
 235 section, distributions to the trust fund from which the bond  
 236 payments are made shall be increased to the amount needed to pay  
 237 the bonds.

238 ~~(15)~~(13) The distribution of proceeds deposited into the  
 239 Water Management Lands Trust Fund and the Conservation and  
 240 Recreation Lands Trust Fund, pursuant to subsections (4) and  
 241 (5), shall not be used for land acquisition, but may be used for  
 242 preacquisition costs associated with land purchases. The  
 243 Legislature intends that the Florida Forever program supplant  
 244 the acquisition programs formerly authorized under ss. 259.032  
 245 and 373.59. Prior to the 2005 Regular Session of the  
 246 Legislature, the Acquisition and Restoration Council shall  
 247 review and make recommendations to the Legislature concerning  
 248 the need to repeal this provision. Based on these  
 249 recommendations, the Legislature shall review the need to repeal  
 250 this provision during the 2005 Regular Session.

251 ~~(16)~~~~(14)~~ Amounts distributed pursuant to subsections (5),  
 252 (6), (7) and (8) are subject to the payment of debt service on  
 253 outstanding Conservation and Recreation Lands revenue bonds.

254 Section 2. Effective July 1, 2006, subsections (9) and  
 255 (10) of section 201.15, Florida Statutes, as amended by this  
 256 act, are amended to read:

257 201.15 Distribution of taxes collected.--All taxes  
 258 collected under this chapter shall be distributed as follows and  
 259 shall be subject to the service charge imposed in s. 215.20(1),  
 260 except that such service charge shall not be levied against any  
 261 portion of taxes pledged to debt service on bonds to the extent  
 262 that the amount of the service charge is required to pay any  
 263 amounts relating to the bonds:

264 (9) The lesser of seven and fifty-three ~~forty-five~~  
 265 hundredths percent of the remaining taxes collected under this  
 266 chapter or \$56 million shall be paid into the State Treasury to  
 267 the credit of the State Housing Trust Fund and shall be used ~~as~~  
 268 ~~follows:~~

269 ~~(a) Half of that amount shall be used for the purposes for~~  
 270 ~~which the State Housing Trust Fund was created and exists by~~  
 271 ~~law.~~

272 ~~(b) Half of that amount shall be paid into the State~~  
 273 ~~Treasury to the credit of the Local Government Housing Trust~~  
 274 ~~Fund and shall be used for the purposes for which the Local~~  
 275 ~~Government Housing Trust Fund was created and exists by law.~~

276 (10) The lesser of eight and sixty-six ~~fifty-seven~~  
 277 hundredths percent of the remaining taxes collected under this  
 278 chapter or \$137 million shall be paid into the State Treasury to

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279 the credit of the Local Government State Housing Trust Fund and  
280 shall be used as follows:

281 ~~(a) Twelve and one-half percent of that amount shall be~~  
282 ~~deposited into the State Housing Trust Fund and be expended by~~  
283 ~~the Department of Community Affairs and by the Florida Housing~~  
284 ~~Finance Corporation for the purposes for which the State Housing~~  
285 ~~Trust Fund was created and exists by law.~~

286 ~~(b) Eighty-seven and one-half percent of that amount shall~~  
287 ~~be distributed to the Local Government Housing Trust Fund and~~  
288 ~~shall be used for the purposes for which the Local Government~~  
289 ~~Housing Trust Fund was created and exists by law. Funds from~~  
290 ~~this category may also be used to provide for state and local~~  
291 ~~services to assist the homeless.~~

292 Section 3. Except as otherwise provided herein, this act  
293 shall take effect July 1, 2005.