

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; requiring distributions to the State
 16 Housing Trust Fund to be sufficient for certain purposes;
 17 providing a limitation; providing effective dates.

18
 19 Be It Enacted by the Legislature of the State of Florida:

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

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

28 | that the amount of the service charge is required to pay any
29 | amounts relating to the bonds:

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

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

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

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

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

84 and paragraph (2) (b) equals 70 percent of the current official
85 forecast for distributions of taxes collected under this chapter
86 pursuant to subsection (2). As used in this paragraph, the term
87 "current official forecast" means the most recent forecast as
88 determined by the Revenue Estimating Conference. If the current
89 official forecast for a fiscal year changes after payments under
90 this paragraph have ended during that fiscal year, no further
91 payments are required ~~under this paragraph~~ during the fiscal
92 year.

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

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

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

112 shall continue until the cumulative amount credited to the
 113 General Revenue Fund for the fiscal year under this paragraph
 114 equals the cumulative payments made under paragraph (1)(c) for
 115 the same fiscal year.

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

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

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

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

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

139 (5) The lesser of four and two-tenths percent of the
 140 remaining taxes collected under this chapter or \$66.9 million
 141 shall be paid into the State Treasury to the credit of the
 142 Conservation and Recreation Lands Trust Fund to carry out the
 143 purposes set forth in s. 259.032. The lesser of nine and one-
 144 half percent of the amount credited to the Conservation and
 145 Recreation Lands Trust Fund pursuant to this subsection or \$5.9
 146 million shall be transferred to the State Game Trust Fund and
 147 used for land management activities.

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

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

158 (8) The lesser of one-half of one percent of the remaining
 159 taxes collected under this chapter or \$7.4 million shall be paid
 160 into the State Treasury and divided equally to the credit of the
 161 Department of Environmental Protection Water Quality Assurance
 162 Trust Fund to address water quality impacts associated with
 163 nonagricultural nonpoint sources and to the credit of the
 164 Department of Agriculture and Consumer Services General
 165 Inspection Trust Fund to address water quality impacts
 166 associated with agricultural nonpoint sources, respectively.

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

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

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

193 (b) Half of that amount shall be paid into the State
 194 Treasury to the credit of the Local Government Housing Trust

195 Fund and shall be used for the purposes for which the Local
 196 Government Housing Trust Fund was created and exists by law.

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

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

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

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

222 (12) The Department of Revenue may use \$8.3 million of the
223 remaining taxes payments credited to trust funds pursuant to
224 paragraphs (1)(c) and (2)(b) and subsections (3), (4), (5), (6),
225 (7), (8), (9), and (10) to pay the costs of the collection and
226 enforcement of the tax levied by this chapter. The percentage of
227 such costs which may be assessed against a trust fund is a
228 ratio, the numerator of which is payments credited to that trust
229 fund under this section and the denominator of which is the sum
230 of payments made under paragraphs (1)(c) and (2)(b) and
231 subsections (3), (4), (5), (6), (7), (8), (9), and (10).

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

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

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

250 the need to repeal this provision. Based on these
 251 recommendations, the Legislature shall review the need to repeal
 252 this provision during the 2005 Regular Session.

253 (16)~~(14)~~ Amounts distributed pursuant to subsections (5),
 254 (6), (7) and (8) are subject to the payment of debt service on
 255 outstanding Conservation and Recreation Lands revenue bonds.

256 Section 2. Effective July 1, 2006, subsections (9) and
 257 (10) of section 201.15, Florida Statutes, as amended by this
 258 act, are amended, and subsection (17) is added to said section,
 259 to read:

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

267 (9) The lesser of seven and fifty-three ~~forty-five~~
 268 hundredths percent of the remaining taxes collected under this
 269 chapter or \$85 million shall be paid into the State Treasury to
 270 the credit of the State Housing Trust Fund and shall be used as
 271 follows:

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

275 (b) Half of that amount shall be paid into the State
 276 Treasury to the credit of the Local Government Housing Trust
 277 Fund and shall be used for the purposes for which the Local

278 Government Housing Trust Fund was created and exists by law.

279 (10) The lesser of eight and sixty-six ~~fifty-seven~~
 280 hundredths percent of the remaining taxes collected under this
 281 chapter or \$108 million shall be paid into the State Treasury to
 282 the credit of the State Housing Trust Fund and shall be used as
 283 follows:

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

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

295 (17) Distributions to the State Housing Trust Fund
 296 pursuant to subsections (9) and (10) shall be sufficient to
 297 cover amounts required to be transferred to the Florida
 298 Affordable Housing Guarantee Program's annual debt service
 299 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b)
 300 up to but not exceeding the amount required to be transferred to
 301 such reserve and fund prior to July 1, 2005.

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