

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Saunders offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Section 3 of chapter 83-220, Laws of Florida,  
6 as amended by section 1 of chapter 84-270, Laws of Florida, and  
7 section 1 of chapter 89-252, Laws of Florida, is amended to  
8 read:

9 Section 3. Sections 1 and 2 of chapter 83-220, Laws of  
10 Florida, as amended by this act, are repealed effective October  
11 1, 2031 ~~2011~~.

12 Section 2. Section 125.0167, Florida Statutes, is amended  
13 to read:

14 125.0167 Discretionary surtax on documents; adoption;  
15 application of revenue.--

16 (1) Pursuant to the provisions of s. 201.031, the

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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2430

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17 governing authority in each county, as defined by s. 125.011(1),  
18 is authorized to levy a discretionary surtax on documents for  
19 the purpose of establishing and financing a Housing Assistance  
20 Loan Trust Fund to assist in the financing of construction,  
21 rehabilitation, or purchase of housing for low-income and  
22 moderate-income families. No less than 50 percent of the funds  
23 used in each county to provide such housing assistance shall be  
24 for the benefit of low-income families. For the purpose of this  
25 section, "low-income family" means a family whose income does  
26 not exceed 80 percent of the median income for the area, and  
27 "moderate-income family" means a family whose income is in  
28 excess of 80 percent but less than 140 percent of the median  
29 income for the area. For purposes of this section, the term  
30 "housing" is not limited to single-family, detached dwellings.  
31 The rate of the surtax shall not exceed the rate of 45 cents for  
32 each \$100 or fractional part thereof of the consideration  
33 therefor. Such surtax shall apply only to those documents  
34 taxable under s. 201.02, except that there shall be no surtax on  
35 any document pursuant to which the interest granted, assigned,  
36 transferred, or conveyed involves only a single-family  
37 residence. Such single-family residence may be a condominium  
38 unit, a unit held through stock ownership or membership  
39 representing a proprietary interest in a corporation owning a  
40 fee or a leasehold initially in excess of 98 years, or a  
41 detached dwelling.

42 (2) The levy of the discretionary surtax and the creation  
43 of a Housing Assistance Loan Trust Fund shall be by ordinance  
44 which shall set forth the policies and procedures of the  
45 assistance program. The ordinance shall be proposed at a regular

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46 meeting of the governing authority at least 2 weeks prior to  
47 formal adoption. Formal adoption shall not be effective unless  
48 approved on final vote by a majority of the total membership of  
49 the governing authority. The ordinance shall not take effect  
50 until 90 days after formal adoption.

51 (3) The county shall deposit revenues from the  
52 discretionary surtax in the Housing Assistance Loan Trust Fund  
53 of the county, except that a portion of such revenues may be  
54 deposited into the Home Investment Trust Fund of the county as  
55 defined by and created pursuant to the requirements of federal  
56 law. The county shall use the revenues only to help finance the  
57 construction, rehabilitation, or purchase of housing for low-  
58 income families and moderate-income families, to pay necessary  
59 costs of collection and enforcement of the surtax, and to fund  
60 any local matching contributions required pursuant to federal  
61 law. For purposes of this section, authorized uses of the  
62 revenues include, but are not limited to, providing funds for  
63 first and second mortgages and acquiring property for the  
64 purpose of forming housing cooperatives. Special consideration  
65 shall be given toward using the revenues in the neighborhood  
66 economic development programs of community development  
67 corporations. No more than 50 percent of the revenues collected  
68 each year pursuant to this section may be used to help finance  
69 new construction as provided herein. The proceeds of the surtax  
70 shall not be used for rent subsidies or grants.

71 (4) No more than 10 percent of surtax revenues collected  
72 under this section by the Department of Revenue and remitted to  
73 the county in any fiscal year may be used for administrative  
74 costs.

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75       (5) (a) Notwithstanding the provisions of subsection (3),  
76 of the discretionary surtax revenues collected by the Department  
77 of Revenue remaining after any deduction for administrative  
78 costs as provided in subsection (4), no less than 35 percent  
79 shall be used to provide homeownership assistance for low-income  
80 and moderate-income families, and no less than 35 percent shall  
81 be used for construction, rehabilitation, and purchase of rental  
82 housing units. The remaining amount may be allocated to provide  
83 for homeownership assistance or rental housing units, at the  
84 discretion of the county. Any funds allocated for homeownership  
85 assistance or rental housing units which are not committed at  
86 the end of the fiscal year shall be reallocated in subsequent  
87 years consistent with the provisions of this subsection, in that  
88 at least 35 percent shall be reallocated to provide  
89 homeownership assistance for low-income and moderate-income  
90 families, and at least 35 percent shall be reallocated for  
91 construction, rehabilitation, and purchase of rental housing  
92 units. The remaining amount of uncommitted funds may be  
93 reallocated at the discretion of the county within any of the  
94 categories established in this subsection.

95       (b) For purposes of this subsection, the term  
96 "homeownership assistance" means assisting low-income and  
97 moderate-income families in purchasing a home as their primary  
98 residence, including, but not limited to, reducing the cost of  
99 the home with below-market construction financing, the amount of  
100 down payment and closing costs paid by the borrower, or the  
101 mortgage payment to an affordable amount for the purchaser or  
102 using any other financial assistance measure set forth in s.  
103 420.5088.

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104       (6) Rehabilitation of housing owned by a recipient  
105 government may be authorized only after a determination approved  
106 by a majority of the governing body that no other sources of  
107 funds are available.

108       (7) (a) The governing body of each county as defined in s.  
109 125.011(1) may, by county ordinance and pursuant to procedures  
110 and requirements provided by such ordinance, create a housing  
111 choice assistance voucher program.

112       (b) For purposes of this subsection, the term:

113       1. "Housing choice assistance voucher" means the document  
114 used to access assistance paid by the county from the  
115 discretionary surtax balance in the Housing Assistance Trust  
116 Fund to a prospective purchaser of a single-family residence,  
117 which must be the purchaser's homestead.

118       2. "Purchasing employer" means a business or business  
119 entity that has acquired real property within the county and  
120 paid the surtax due as a result of the acquisition of that  
121 property pursuant to this section.

122       (c) Housing choice assistance vouchers shall be used for  
123 down payment assistance for the purchase of a single-family  
124 residence by low-income or moderate-income persons within the  
125 county and within a 5-mile radius of the purchasing employer who  
126 are:

127       1. Actively employed by the purchasing employer or by a  
128 business entity directly affiliated with the purchasing  
129 employer.

130       2. Prequalified for a mortgage loan by a certified lending  
131 institution.

132       (d) Upon payment of the discretionary surtax pursuant to

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133 this section, the purchasing employer may file for an allocation  
134 for housing choice assistance vouchers from the county in an  
135 amount not to exceed 50 percent of the amount of the  
136 discretionary surtax paid. The purchasing employer shall  
137 distribute the allocation to employees in the form of housing  
138 choice assistance vouchers pursuant to rules and procedures  
139 established for the program.

140 (e) Any housing choice assistance voucher allocation not  
141 distributed to employees and redeemed by an employee within 1  
142 year after the date the discretionary surtax is paid may not be  
143 used for housing choice assistance vouchers under this  
144 subsection.

145 (f) Any housing assistance paid pursuant to the housing  
146 choice assistance voucher program shall be included in the  
147 calculation determining the percentage of discretionary surtax  
148 funds used for homeownership purposes during the year in which  
149 the surtax funds for such purposes are expended.

150 (8) By June 30, 2012, and every 5 years thereafter, the  
151 Office of Program Policy Analysis and Government Accountability  
152 shall review the discretionary surtax program operated by  
153 counties under this section and shall provide a report to the  
154 President of the Senate and the Speaker of the House of  
155 Representatives.

156 Section 3. (1) The Legislature finds that the Florida  
157 Supreme Court opinion in Crescent Miami Center, LLC v. Florida  
158 Department of Revenue, 903 So. 2d 913 (Fla. 2005), interprets s.  
159 201.02, Florida Statutes, in a manner that permits tax avoidance  
160 inconsistent with the intent of the Legislature at the time the  
161 statute was amended in 1990.

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162       (2) The Legislature finds that the opinion of the District  
163 Court of Appeal for the Third District of Florida in Crescent  
164 Miami Center, LLC v. Florida Department of Revenue, 857 So. 2d  
165 904 (Fla. 3d D.C.A. 2003), interprets s. 201.02, Florida  
166 Statutes, in a manner that prevents tax avoidance consistent  
167 with the intent of the Legislature at the time the statute was  
168 amended in 1990.

169       (3) The Legislature recognizes that the Supreme Court's  
170 opinion in Crescent is limited to the facts of the case and  
171 accepts the court's interpretation of s. 201.02, Florida  
172 Statutes, that no consideration exists when owners of real  
173 property unencumbered by a mortgage convey an interest in such  
174 property to an artificial entity whose ownership is identical to  
175 the ownership of the real property before conveyance. The  
176 Legislature expressly rejects any application of the court's  
177 interpretation where the facts are not comparable to the facts  
178 in Crescent. However, because the Supreme Court's  
179 interpretation, combined with other settled law regarding the  
180 application of s. 201.02, Florida Statutes, allows for the tax-  
181 free transfer of ownership interests in real property from one  
182 owner to another through the use of artificial entities, it is  
183 the Legislature's intent by this act to impose the documentary  
184 stamp tax when the beneficial ownership of real property is  
185 transferred to a new owner or owners by the use of techniques  
186 that apply the Supreme Court's decision in Crescent in  
187 combination with transfers of ownership of, or distributions  
188 from, artificial entities.

189       Section 4. Subsection (1) of section 201.02, Florida  
190 Statutes, is amended, and subsection (11) is added to that

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191 section, to read:

192 201.02 Tax on deeds and other instruments relating to real  
193 property or interests in real property.--

194 (1) (a) On deeds, instruments, or writings whereby any  
195 lands, tenements, or other real property, or any interest  
196 therein, shall be granted, assigned, transferred, or otherwise  
197 conveyed to, or vested in, the purchaser or any other person by  
198 his or her direction, on each \$100 of the consideration therefor  
199 the tax shall be 70 cents. When the full amount of the  
200 consideration for the execution, assignment, transfer, or  
201 conveyance is not shown in the face of such deed, instrument,  
202 document, or writing, the tax shall be at the rate of 70 cents  
203 for each \$100 or fractional part thereof of the consideration  
204 therefor. For purposes of this section, consideration includes,  
205 but is not limited to, the money paid or agreed to be paid; the  
206 discharge of an obligation; and the amount of any mortgage,  
207 purchase money mortgage lien, or other encumbrance, whether or  
208 not the underlying indebtedness is assumed. If the consideration  
209 paid or given in exchange for real property or any interest  
210 therein includes property other than money, it is presumed that  
211 the consideration is equal to the fair market value of the real  
212 property or interest therein.

213 (b)1. For purposes of this paragraph the term:

214 a. "Conduit entity" means a legal entity to which real  
215 property is conveyed without full consideration by a grantor who  
216 owns a direct or indirect interest in the entity, or a successor  
217 entity.

218 b. "Full consideration" means the consideration that would  
219 be paid in an arm's length transaction between unrelated

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220 parties.

221 2. When real property is conveyed to a conduit entity and  
222 all or a portion of the grantor's direct or indirect ownership  
223 interest in the conduit entity is subsequently transferred for  
224 consideration within 3 years of such conveyance, tax is imposed  
225 on each such transfer of an interest in the conduit entity for  
226 consideration at the rate of 70 cents for each \$100 or fraction  
227 thereof of the consideration paid or given in exchange for the  
228 ownership interest in the conduit entity.

229 3. When the ownership interest in the conduit entity being  
230 transferred includes assets other than the real property  
231 conveyed to the conduit entity, the tax shall be prorated based  
232 on the percentage the value of such real property represents of  
233 the total value of all assets owned by the conduit entity.

234 4. A gift of an ownership interest in a conduit entity is  
235 not subject to tax to the extent there is no consideration. The  
236 transfer of shares or similar equity interests in a conduit  
237 entity which are dealt in or traded on public, regulated  
238 security exchanges or markets is not subject to tax under this  
239 paragraph.

240 5. The transfer for purposes of estate planning by a  
241 natural person of an interest in a conduit entity to an  
242 irrevocable grantor trust as described in subpart E of part I of  
243 subchapter J of chapter 1 of subtitle A of the United States  
244 Internal Revenue Code is not subject to tax under this  
245 paragraph.

246 6. The purpose of this paragraph is to impose the  
247 documentary stamp tax on the transfer for consideration of a  
248 beneficial interest in real property. The provisions of this

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249 paragraph are to be construed liberally to effectuate this  
250 purpose.

251 (c) Conversion or merger of a trust that is not a legal  
252 entity that owns real property in this state into a legal entity  
253 shall be treated as a conveyance of the real property for the  
254 purposes of this section.

255 (d) Taxes imposed by this subsection shall be paid  
256 pursuant to s. 201.133 when no document is recorded. If a  
257 document is recorded, taxes imposed by the paragraph shall be  
258 paid as required for all other taxable documents that are  
259 recorded.

260 (11) The documentary stamp tax imposed by this section  
261 applies to a deed, instrument, or writing that transfers any  
262 interest in real property pursuant to a short sale, as defined  
263 in this subsection. The taxable consideration for a short sale  
264 transfer does not include unpaid indebtedness that is forgiven  
265 or released by a mortgagee holding a mortgage on the grantor's  
266 interest in the property. A short sale is a purchase and sale of  
267 real property in which:

268 (a) The grantor's interest in the real property is  
269 encumbered by a mortgage or mortgages securing indebtedness in  
270 an aggregate amount greater than the purchase price paid by the  
271 grantee;

272 (b) A mortgagee releases the real property from its  
273 mortgage in exchange for a partial payment of less than all of  
274 the outstanding mortgage indebtedness owing to the releasing  
275 mortgagee;

276 (c) The releasing mortgagee does not receive, directly or  
277 indirectly, any interest in the property transferred; and

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278 (d) The releasing mortgagee, grantor, and grantee are  
279 dealing with each other at arm's length.

280 Section 5. The amendments to subsections (1) and (11) of  
281 s. 201.02, Florida Statutes, made by this act and the provisions  
282 of section 3 of this act are intended to be clarifying and  
283 remedial in nature, but do not provide a basis for assessments  
284 of tax, or refunds of tax, for periods before July 1, 2009.

285 Section 6. Effective upon this act becoming a law, the  
286 Department of Revenue is authorized, and all conditions are  
287 deemed met, to adopt emergency rules pursuant to ss. 120.536(1)  
288 and 120.54(4), Florida Statutes, to implement s. 201.02, Florida  
289 Statutes, as amended by section 4 of this act. Notwithstanding  
290 any other provision of law, such emergency rules shall remain  
291 effective for 6 months after the date of adoption and may be  
292 renewed during the pendency of procedures to adopt rules  
293 addressing the subject of the emergency rules.

294 Section 7. Section 201.031, Florida Statutes, is amended  
295 to read:

296 201.031 Discretionary surtax; administration and  
297 collection; Housing Assistance Loan Trust Fund; reporting  
298 requirements.--

299 (1) Each county, as defined by s. 125.011(1), may levy,  
300 subject to the provisions of s. 125.0167, a discretionary surtax  
301 on documents taxable under the provisions of s. 201.02, except  
302 that there shall be no surtax on any document pursuant to which  
303 the interest granted, assigned, transferred, or conveyed  
304 involves only a single-family residence. ~~The~~ ~~Such~~ single-family  
305 residence may be a condominium unit, a unit held through stock  
306 ownership or membership representing a proprietary interest in a

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307 corporation owning a fee or a leasehold initially in excess of  
308 98 years, or a detached dwelling.

309 (2) All provisions of chapter 201, except s. 201.15, ~~shall~~  
310 apply to the surtax. The Department of Revenue shall pay to the  
311 governing authority of the county which levies the surtax all  
312 taxes, penalties, and interest collected under this section less  
313 any costs of administration.

314 (3) Each county that ~~which~~ levies the surtax shall:

315 (a) Include in the financial report required under s.  
316 218.32 information showing the revenues and the expenses of the  
317 trust fund for the fiscal year.

318 (b) Adopt a housing plan every 3 years which includes  
319 provisions substantially similar to the plans required in s.  
320 420.9075(1).

321 (c) Have adopted an affordable housing element of its  
322 comprehensive land use plan which complies with s.  
323 163.3177(6) (f).

324 (d) Require by resolution that the staff or entity that  
325 has administrative authority for implementing the housing plan  
326 prepare and submit to the county's governing body an annual  
327 report substantially similar to the annual report required in s.  
328 420.9075(10).

329 Section 8. Paragraph (a) of subsection (1) of section  
330 719.105, Florida Statutes, is amended to read:

331 719.105 Cooperative parcels; appurtenances; possession and  
332 enjoyment.--

333 (1) Each cooperative parcel has, as appurtenances thereto:

334 (a) Evidence of membership, ownership of shares, or other  
335 interest in the association with the full voting rights

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336 appertaining thereto. Such evidence must include a legal  
337 description of each dwelling unit and must be recorded in the  
338 office of the clerk of the circuit court as required by s.  
339 201.02(4) ~~s. 201.02(3)~~.

340 Section 9. Pursuant to s. 201.15(1)(a), Florida Statutes,  
341 the issuance of \$50 million of Florida Forever bonds is  
342 authorized, in addition to any previously authorized bonds. For  
343 the 2009-2010 fiscal year, the sum of \$3,502,005 is appropriated  
344 from the Land Acquisition Trust Fund to the Department of  
345 Environmental Protection for debt service on the new bonds. The  
346 proceeds of such bonds shall be distributed in accordance with  
347 s. 259.105(3), Florida Statutes. The Department of Environmental  
348 Protection and the agencies receiving such bond proceeds are  
349 appropriated budget authority necessary to transfer and expend  
350 the respective amounts of the distributed bond proceeds.

351 Section 10. (1) Pursuant to s. 215.619(1), Florida  
352 Statutes, the issuance of \$50 million of Everglades Restoration  
353 bonds is authorized, in addition to any previously authorized  
354 bonds. For the 2009-2010 fiscal year, the sum of \$4,991,600 is  
355 appropriated from the Save Our Everglades Trust Fund to the  
356 Department of Environmental Protection for debt service on the  
357 new bonds.

358 (2) The sum of \$47 million is appropriated from the Save  
359 Our Everglades Trust Fund to the Department of Environmental  
360 Protection for the design and construction of Comprehensive  
361 Everglades Restoration Plan components, Lake Okeechobee  
362 Protection Plan components, and Caloosahatchee and St. Lucie  
363 River Watershed Protection Plan components, and for the  
364 acquisition of lands needed for these project components. The

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365 sum of \$3 million is appropriated from the Save Our Everglades  
366 Trust Fund to the Department of Environmental Protection for  
367 transfer to the Department of Agriculture and Consumer Services  
368 into the General Inspection Trust Fund to fund activities  
369 authorized in subsection (3).

370 (3) The sum of \$3 million is appropriated from the General  
371 Inspections Trust Fund to the Department of Agriculture and  
372 Consumer Services for the purpose of implementing agricultural  
373 nonpoint source controls in the Okeechobee, Caloosahatchee, and  
374 St. Lucie River watersheds.

375 Section 11. Section 201.15, Florida Statutes, as amended  
376 by section 1 of chapter 2009-17, Laws of Florida, is amended to  
377 read:

378 201.15 Distribution of taxes collected.--All taxes  
379 collected under this chapter are subject to the service charge  
380 imposed in s. 215.20(1). Prior to distribution under this  
381 section, the Department of Revenue shall deduct amounts  
382 necessary to pay the costs of the collection and enforcement of  
383 the tax levied by this chapter. Such costs and the service  
384 charge may not be levied against any portion of taxes pledged to  
385 debt service on bonds to the extent that the costs and service  
386 charge are required to pay any amounts relating to the bonds.  
387 After distributions are made pursuant to subsection (1), all of  
388 the costs of the collection and enforcement of the tax levied by  
389 this chapter and the service charge shall be available and  
390 transferred to the extent necessary to pay debt service and any  
391 other amounts payable with respect to bonds authorized before  
392 January 1, 2010, secured by revenues distributed pursuant to  
393 subsection (1). All taxes remaining after deduction of costs and

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394 the service charge shall be distributed as follows:

395 (1) Sixty-three and thirty-one hundredths percent of the  
396 remaining taxes collected under this chapter shall be used for  
397 the following purposes:

398 (a) Amounts necessary to pay the debt service on, or fund  
399 debt service reserve funds, rebate obligations, or other amounts  
400 payable with respect to Preservation 2000 bonds issued pursuant  
401 to s. 375.051 and Florida Forever bonds issued pursuant to s.  
402 215.618, shall be paid into the State Treasury to the credit of  
403 the Land Acquisition Trust Fund to be used for such purposes.  
404 The amount transferred to the Land Acquisition Trust Fund may  
405 not exceed \$300 million in fiscal year 1999-2000 and thereafter  
406 for Preservation 2000 bonds and bonds issued to refund  
407 Preservation 2000 bonds, and \$300 million in fiscal year 2000-  
408 2001 and thereafter for Florida Forever bonds. The annual amount  
409 transferred to the Land Acquisition Trust Fund for Florida  
410 Forever bonds may not exceed \$30 million in the first fiscal  
411 year in which bonds are issued. The limitation on the amount  
412 transferred shall be increased by an additional \$30 million in  
413 each subsequent fiscal year, but may not exceed a total of \$300  
414 million in any fiscal year for all bonds issued. It is the  
415 intent of the Legislature that all bonds issued to fund the  
416 Florida Forever Act be retired by December 31, 2040. Except for  
417 bonds issued to refund previously issued bonds, no series of  
418 bonds may be issued pursuant to this paragraph unless such bonds  
419 are approved and the debt service for the remainder of the  
420 fiscal year in which the bonds are issued is specifically  
421 appropriated in the General Appropriations Act. For purposes of  
422 refunding Preservation 2000 bonds, amounts designated within

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423 this section for Preservation 2000 and Florida Forever bonds may  
424 be transferred between the two programs to the extent provided  
425 for in the documents authorizing the issuance of the bonds. The  
426 Preservation 2000 bonds and Florida Forever bonds shall be  
427 equally and ratably secured by moneys distributable to the Land  
428 Acquisition Trust Fund pursuant to this section, except to the  
429 extent specifically provided otherwise by the documents  
430 authorizing the issuance of the bonds. No moneys transferred to  
431 the Land Acquisition Trust Fund pursuant to this paragraph, or  
432 earnings thereon, shall be used or made available to pay debt  
433 service on the Save Our Coast revenue bonds.

434 (b) Moneys shall be paid into the State Treasury to the  
435 credit of the Save Our Everglades Trust Fund in amounts  
436 necessary to pay debt service, provide reserves, and pay rebate  
437 obligations and other amounts due with respect to bonds issued  
438 under s. 215.619. Taxes distributed under paragraph (a) and this  
439 paragraph must be collectively distributed on a pro rata basis  
440 when the available moneys under this subsection are not  
441 sufficient to cover the amounts required under paragraph (a) and  
442 this paragraph.

443 (c) The remainder of the moneys distributed under this  
444 subsection, after the required payments under paragraphs (a) and  
445 (b), shall be paid into the State Treasury to the credit of:

446 1. The State Transportation Trust Fund in the Department  
447 of Transportation in the amount of the lesser of 38.2 percent of  
448 the remainder or \$541.75 million in each fiscal year, to be used  
449 for the following specified purposes, notwithstanding any other  
450 law to the contrary:

451 a. For the purposes of capital funding for the New Starts

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452 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
453 specified in s. 341.051, 10 percent of these funds;

454 b. For the purposes of the Small County Outreach Program  
455 specified in s. 339.2818, 5 percent of these funds;

456 c. For the purposes of the Strategic Intermodal System  
457 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
458 of these funds after allocating for the New Starts Transit  
459 Program described in sub-subparagraph a. and the Small County  
460 Outreach Program described in sub-subparagraph b.; and

461 d. For the purposes of the Transportation Regional  
462 Incentive Program specified in s. 339.2819, 25 percent of these  
463 funds after allocating for the New Starts Transit Program  
464 described in sub-subparagraph a. and the Small County Outreach  
465 Program described in sub-subparagraph b.

466 2. The Water Protection and Sustainability Program Trust  
467 Fund in the Department of Environmental Protection in the amount  
468 of the lesser of 5.64 percent of the remainder or \$80 million in  
469 each fiscal year, to be used as required by s. 403.890.

470 3. The Grants and Donations Trust Fund in the Department  
471 of Community Affairs in the amount of the lesser of .23 percent  
472 of the remainder or \$3.25 million in each fiscal year, with 92  
473 percent to be used to fund technical assistance to local  
474 governments and school boards on the requirements and  
475 implementation of this act and the remaining amount to be used  
476 to fund the Century Commission established in s. 163.3247.

477 4. The Ecosystem Management and Restoration Trust Fund in  
478 the amount of the lesser of 2.12 percent of the remainder or \$30  
479 million in each fiscal year, to be used for the preservation and  
480 repair of the state's beaches as provided in ss. 161.091-

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481 161.212.

482 5. The Marine Resources Conservation Trust Fund in the  
483 amount of the lesser of .14 percent of the remainder or \$2  
484 million in each fiscal year, to be used for marine mammal care  
485 as provided in s. 379.208(3).

486 6. General Inspection Trust Fund in the amount of the  
487 lesser of .02 percent of the remainder or \$300,000 in each  
488 fiscal year to be used to fund oyster management and restoration  
489 programs as provided in s. 379.362(3).

490

491 Moneys distributed pursuant to this paragraph may not be pledged  
492 for debt service unless such pledge is approved by referendum of  
493 the voters.

494 (d) The remainder of the moneys distributed under this  
495 subsection, after the required payments under paragraphs (a),  
496 (b), and (c), shall be paid into the State Treasury to the  
497 credit of the General Revenue Fund to be used and expended for  
498 the purposes for which the General Revenue Fund was created and  
499 exists by law.

500 (2) The lesser of 7.56 percent of the remaining taxes  
501 collected under this chapter or \$84.9 million in each fiscal  
502 year shall be paid into the State Treasury to the credit of the  
503 Land Acquisition Trust Fund. Sums deposited in the fund pursuant  
504 to this subsection may be used for any purpose for which funds  
505 deposited in the Land Acquisition Trust Fund may lawfully be  
506 used.

507 (3) (a) Through the 2008-2009 fiscal year, the lesser of  
508 1.94 percent of the remaining taxes collected under this chapter  
509 or \$26 million in each fiscal year shall be paid into the State

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510 Treasury to the credit of the Land Acquisition Trust Fund.

511 (b) Beginning with the 2009-2010 fiscal year, the lesser  
512 of 1.94 percent of the remaining taxes collected under this  
513 chapter or \$26 million in each fiscal year shall be distributed  
514 in the following order:

515 1. Amounts necessary to pay debt service or to fund debt  
516 service reserve funds, rebate obligations, or other amounts  
517 payable with respect to bonds issued before February 1, 2009,  
518 pursuant to this subsection shall be paid into the State  
519 Treasury to the credit of the Land Acquisition Trust Fund.

520 2. Eleven million dollars shall be paid into the State  
521 Treasury to the credit of the General Revenue Fund.

522 3. The remainder shall be paid into the State Treasury to  
523 the credit of the Land Acquisition Trust Fund.

524 (c) Moneys deposited in the Land Acquisition Trust Fund  
525 pursuant to this subsection shall be used to acquire coastal  
526 lands or to pay debt service on bonds issued to acquire coastal  
527 lands and to develop and manage lands acquired with moneys from  
528 the trust fund.

529 (4) The lesser of 4.2 percent of the remaining taxes  
530 collected under this chapter or \$60.5 million in each fiscal  
531 year shall be paid into the State Treasury to the credit of the  
532 Water Management Lands Trust Fund. Sums deposited in that fund  
533 may be used for any purpose authorized in s. 373.59.

534 (5) (a) For the 2007-2008 fiscal year, 3.96 percent of the  
535 remaining taxes collected under this chapter shall be paid into  
536 the State Treasury to the credit of the Conservation and  
537 Recreation Lands Trust Fund to carry out the purposes set forth  
538 in s. 259.032. Ten and five-hundredths percent of the amount

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539 credited to the Conservation and Recreation Lands Trust Fund  
540 pursuant to this subsection shall be transferred to the State  
541 Game Trust Fund and used for land management activities.

542 (b) Beginning July 1, 2008, 3.52 percent of the remaining  
543 taxes collected under this chapter shall be paid into the State  
544 Treasury to the credit of the Conservation and Recreation Lands  
545 Trust Fund to carry out the purposes set forth in s. 259.032.  
546 Eleven and fifteen hundredths percent of the amount credited to  
547 the Conservation and Recreation Lands Trust Fund pursuant to  
548 this subsection shall be transferred to the State Game Trust  
549 Fund and used for land management activities.

550 (6) The lesser of 2.28 percent of the remaining taxes  
551 collected under this chapter or \$34.1 million in each fiscal  
552 year shall be paid into the State Treasury to the credit of the  
553 Invasive Plant Control Trust Fund to carry out the purposes set  
554 forth in ss. 369.22 and 369.252.

555 (7) The lesser of .5 percent of the remaining taxes  
556 collected under this chapter or \$9.3 million in each fiscal year  
557 shall be paid into the State Treasury to the credit of the State  
558 Game Trust Fund to be used exclusively for the purpose of  
559 implementing the Lake Restoration 2020 Program.

560 (8) One-half of one percent of the remaining taxes  
561 collected under this chapter shall be paid into the State  
562 Treasury and divided equally to the credit of the Department of  
563 Environmental Protection Water Quality Assurance Trust Fund to  
564 address water quality impacts associated with nonagricultural  
565 nonpoint sources and to the credit of the Department of  
566 Agriculture and Consumer Services General Inspection Trust Fund  
567 to address water quality impacts associated with agricultural

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568 nonpoint sources, respectively. These funds shall be used for  
569 research, development, demonstration, and implementation of  
570 suitable best management practices or other measures used to  
571 achieve water quality standards in surface waters and water  
572 segments identified pursuant to ss. 303(d) of the Clean Water  
573 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.

574 Implementation of best management practices and other measures  
575 may include cost-share grants, technical assistance,  
576 implementation tracking, and conservation leases or other  
577 agreements for water quality improvement. The Department of  
578 Environmental Protection and the Department of Agriculture and  
579 Consumer Services may adopt rules governing the distribution of  
580 funds for implementation of best management practices. The  
581 unobligated balance of funds received from the distribution of  
582 taxes collected under this chapter to address water quality  
583 impacts associated with nonagricultural nonpoint sources will be  
584 excluded when calculating the unobligated balance of the Water  
585 Quality Assurance Trust Fund as it relates to the determination  
586 of the applicable excise tax rate.

587 (9) The lesser of 7.53 percent of the remaining taxes  
588 collected under this chapter or \$107 million in each fiscal year  
589 shall be paid into the State Treasury to the credit of the State  
590 Housing Trust Fund and shall be used as follows:

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

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

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

598 (10) The lesser of 8.66 percent of the remaining taxes  
599 collected under this chapter or \$136 million in each fiscal year  
600 shall be paid into the State Treasury to the credit of the State  
601 Housing Trust Fund and shall be used as follows:

602 (a) Twelve and one-half percent of that amount shall be  
603 deposited into the State Housing Trust Fund and be expended by  
604 the Department of Community Affairs and by the Florida Housing  
605 Finance Corporation for the purposes for which the State Housing  
606 Trust Fund was created and exists by law.

607 (b) Eighty-seven and one-half percent of that amount shall  
608 be distributed to the Local Government Housing Trust Fund and  
609 shall be used for the purposes for which the Local Government  
610 Housing Trust Fund was created and exists by law. Funds from  
611 this category may also be used to provide for state and local  
612 services to assist the homeless.

613 (11) The distribution of proceeds deposited into the Water  
614 Management Lands Trust Fund and the Conservation and Recreation  
615 Lands Trust Fund, pursuant to subsections (4) and (5), may not  
616 be used for land acquisition but may be used for preacquisition  
617 costs associated with land purchases. The Legislature intends  
618 that the Florida Forever program supplant the acquisition  
619 programs formerly authorized under ss. 259.032 and 373.59.

620 (12) Amounts distributed pursuant to subsections (5), (6),  
621 (7), and (8) are subject to the payment of debt service on  
622 outstanding Conservation and Recreation Lands revenue bonds.

623 (13) Beginning July 1, 2008, in each fiscal year that the  
624 remaining taxes collected under this chapter exceed collections  
625 in the prior fiscal year, the stated maximum dollar amounts

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626 provided in subsections (2), (4), (6), (7), (9), and (10) shall  
627 each be increased by an amount equal to 10 percent of the  
628 increase in the remaining taxes collected under this chapter  
629 multiplied by the applicable percentage provided in those  
630 subsections.

631 (14) If the payment requirements in any year for bonds  
632 outstanding on July 1, 2007, or bonds issued to refund such  
633 bonds, exceed the limitations of this section, distributions to  
634 the trust fund from which the bond payments are made shall be  
635 increased to the lesser of the amount needed to pay bond  
636 obligations or the limit of the applicable percentage  
637 distribution provided in subsections (1)-(10).

638 (15) Distributions to the State Housing Trust Fund  
639 pursuant to subsections (9) and (10) shall be sufficient to  
640 cover amounts required to be transferred to the Florida  
641 Affordable Housing Guarantee Program's annual debt service  
642 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b)  
643 up to but not exceeding the amount required to be transferred to  
644 such reserve and fund based on the percentage distribution of  
645 documentary stamp tax revenues to the State Housing Trust Fund  
646 which is in effect in the 2004-2005 fiscal year.

647 (16) If amounts necessary to pay debt service or any other  
648 amounts payable with respect to Preservation 2000 bonds, Florida  
649 Forever bonds, or Everglades Restoration bonds authorized before  
650 January 1, 2010, exceed the amounts distributable pursuant to  
651 subsection (1), all moneys distributable pursuant to this  
652 section are available for such obligations and transferred in  
653 the amounts necessary to pay such obligations when due. However,  
654 amounts distributable pursuant to subsection (2), subsection

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655 (3), subsection (4), subsection (5), paragraph (9)(a), or  
656 paragraph (10)(a) are not available to pay such obligations to  
657 the extent that such moneys are necessary to pay debt service on  
658 bonds secured by revenues pursuant to those provisions.

659 (17)-(16) The remaining taxes collected under this chapter,  
660 after the distributions provided in the preceding subsections,  
661 shall be paid into the State Treasury to the credit of the  
662 General Revenue Fund.

663 Section 12. Except as otherwise expressly provided in this  
664 act and except for this section, which shall take effect upon  
665 becoming law, this act shall take effect on July 1, 2009, and  
666 the amendment to s. 201.02(1), Florida Statutes, made by this  
667 act, applies to transfers for which the first transfer to a  
668 conduit entity occurs after July 1, 2009.

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**T I T L E A M E N D M E N T**

673

Remove the entire title and insert:

674

A bill to be entitled

675

An act relating to the taxation of documents; amending s. 3, ch.

676

83-220, Laws of Florida, as amended; extending a future repeal

677

date of provisions authorizing counties to levy a discretionary

678

surtax on documents; amending s. 125.0167, F.S.; limiting the

679

percentage of surtax revenues that may be used for

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administrative costs; specifying a minimum amount of surtax

681

revenues to be used for housing for certain low-income and

682

moderate-income families; requiring an affirmative vote of a

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683 local government governing body to rehabilitate certain  
684 government-owned housing; authorizing certain counties to create  
685 by ordinance a housing choice assistance voucher program for the  
686 purpose of down payment assistance; providing definitions;  
687 providing eligibility requirements for such vouchers;  
688 authorizing purchasing employers to file for allocations for  
689 such vouchers; limiting allocations; requiring distribution of  
690 allocations to employees in the form of such vouchers;  
691 prohibiting use of allocations for such vouchers if not awarded  
692 within a certain period after certain documentary stamps taxes  
693 are collected; requiring the Office of Program Policy Analysis  
694 and Government Accountability to conduct a continuing review of  
695 the discretionary surtax program operated by counties; requiring  
696 reports to the Legislature; providing legislative intent to  
697 reverse a judicial opinion relating to the application of the  
698 excise tax on documents to certain transactions involving legal  
699 entities; amending s. 201.02, F.S.; defining terms; imposing the  
700 tax on certain transfers to a conduit entity; providing for the  
701 tax to be prorated when the interest transferred includes assets  
702 other than real property; exempting the transfer of shares or  
703 similar equity interests in a conduit entity from the tax;  
704 exempting certain transfers for purposes of estate planning;  
705 providing for liberal construction; providing for payment of the  
706 tax when no document is recorded; imposing the tax on deeds,  
707 instruments, and other writings on the consideration for a  
708 transfer of real property pursuant to a short sale; providing  
709 that the consideration subject to the tax does not include  
710 unpaid indebtedness that is forgiven by a mortgagee; defining  
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HOUSE AMENDMENT

Bill No. CS/CS/CS/SB 2430

Amendment No.

711 the term "short sale"; authorizing the Department of Revenue to  
712 adopt emergency rules relating to transfers of real property  
713 interest involving conduit entities and transfers of real  
714 property pursuant to short sales; amending s. 201.031, F.S.;  
715 expanding requirements for counties levying the discretionary  
716 surtax to include housing plan, affordable housing element, and  
717 annual reporting requirements; amending s. 719.105, F.S.;  
718 conforming a cross-reference; authorizing the issuance of  
719 Florida Forever bonds; providing an appropriation for debt  
720 service on such bonds; authorizing the issuance of Everglades  
721 Restoration bonds; providing an appropriation for debt service  
722 on such bonds; providing an appropriation to the Department of  
723 Environmental Protection for the design and construction of  
724 certain restoration and protection plans and for the acquisition  
725 of lands needed for these project components; providing an  
726 appropriation for the purpose of implementing agricultural  
727 nonpoint source controls in certain watersheds; amending s.  
728 201.15, F.S.; conforming provisions to changes made by the act;  
729 providing for application of specified provisions of the act;  
730 providing effective dates.

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