

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Lopez-Cantera offered the following:

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

4 Between lines 393 and 394, insert:

5 Section 8. Section 201.15, Florida Statutes, as amended by  
6 section 1 of chapter 2009-17, Laws of Florida, is amended to  
7 read:

8 201.15 Distribution of taxes collected.--All taxes  
9 collected under this chapter are subject to the service charge  
10 imposed in s. 215.20(1). Prior to distribution under this  
11 section, the Department of Revenue shall deduct amounts  
12 necessary to pay the costs of the collection and enforcement of  
13 the tax levied by this chapter. Such costs and the service  
14 charge may not be levied against any portion of taxes pledged to  
15 debt service on bonds to the extent that the costs and service  
16 charge are required to pay any amounts relating to the bonds.

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17 After distributions are made pursuant to subsection (1), all of  
18 the costs of the collection and enforcement of the tax levied by  
19 this chapter and the service charge shall be available and  
20 transferred to the extent necessary to pay debt service and any  
21 other amounts payable with respect to bonds authorized before  
22 July 1, 2009, secured by revenues distributed pursuant to  
23 subsection (1). All taxes remaining after deduction of costs and  
24 the service charge shall be distributed as follows:

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

28 (a) Amounts necessary to pay the debt service on, or fund  
29 debt service reserve funds, rebate obligations, or other amounts  
30 payable with respect to Preservation 2000 bonds issued pursuant  
31 to s. 375.051 and Florida Forever bonds issued pursuant to s.  
32 215.618, shall be paid into the State Treasury to the credit of  
33 the Land Acquisition Trust Fund to be used for such purposes.  
34 The amount transferred to the Land Acquisition Trust Fund may  
35 not exceed \$300 million in fiscal year 1999-2000 and thereafter  
36 for Preservation 2000 bonds and bonds issued to refund  
37 Preservation 2000 bonds, and \$300 million in fiscal year 2000-  
38 2001 and thereafter for Florida Forever bonds. The annual amount  
39 transferred to the Land Acquisition Trust Fund for Florida  
40 Forever bonds may not exceed \$30 million in the first fiscal  
41 year in which bonds are issued. The limitation on the amount  
42 transferred shall be increased by an additional \$30 million in  
43 each subsequent fiscal year, but may not exceed a total of \$300  
44 million in any fiscal year for all bonds issued. It is the

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45 intent of the Legislature that all bonds issued to fund the  
46 Florida Forever Act be retired by December 31, 2040. Except for  
47 bonds issued to refund previously issued bonds, no series of  
48 bonds may be issued pursuant to this paragraph unless such bonds  
49 are approved and the debt service for the remainder of the  
50 fiscal year in which the bonds are issued is specifically  
51 appropriated in the General Appropriations Act. For purposes of  
52 refunding Preservation 2000 bonds, amounts designated within  
53 this section for Preservation 2000 and Florida Forever bonds may  
54 be transferred between the two programs to the extent provided  
55 for in the documents authorizing the issuance of the bonds. The  
56 Preservation 2000 bonds and Florida Forever bonds shall be  
57 equally and ratably secured by moneys distributable to the Land  
58 Acquisition Trust Fund pursuant to this section, except to the  
59 extent specifically provided otherwise by the documents  
60 authorizing the issuance of the bonds. No moneys transferred to  
61 the Land Acquisition Trust Fund pursuant to this paragraph, or  
62 earnings thereon, shall be used or made available to pay debt  
63 service on the Save Our Coast revenue bonds.

64 (b) Moneys shall be paid into the State Treasury to the  
65 credit of the Save Our Everglades Trust Fund in amounts  
66 necessary to pay debt service, provide reserves, and pay rebate  
67 obligations and other amounts due with respect to bonds issued  
68 under s. 215.619. Taxes distributed under paragraph (a) and this  
69 paragraph must be collectively distributed on a pro rata basis  
70 when the available moneys under this subsection are not  
71 sufficient to cover the amounts required under paragraph (a) and  
72 this paragraph.

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

76 1. The State Transportation Trust Fund in the Department  
77 of Transportation in the amount of the lesser of 38.2 percent of  
78 the remainder or \$541.75 million in each fiscal year, to be used  
79 for the following specified purposes, notwithstanding any other  
80 law to the contrary:

81 a. For the purposes of capital funding for the New Starts  
82 Transit Program, authorized by Title 49, U.S.C. s. 5309 and  
83 specified in s. 341.051, 10 percent of these funds;

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

86 c. For the purposes of the Strategic Intermodal System  
87 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent  
88 of these funds after allocating for the New Starts Transit  
89 Program described in sub-subparagraph a. and the Small County  
90 Outreach Program described in sub-subparagraph b.; and

91 d. For the purposes of the Transportation Regional  
92 Incentive Program specified in s. 339.2819, 25 percent of these  
93 funds after allocating for the New Starts Transit Program  
94 described in sub-subparagraph a. and the Small County Outreach  
95 Program described in sub-subparagraph b.

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

100 3. The Grants and Donations Trust Fund in the Department  
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101 of Community Affairs in the amount of the lesser of .23 percent  
102 of the remainder or \$3.25 million in each fiscal year, with 92  
103 percent to be used to fund technical assistance to local  
104 governments and school boards on the requirements and  
105 implementation of this act and the remaining amount to be used  
106 to fund the Century Commission established in s. 163.3247.

107 4. The Ecosystem Management and Restoration Trust Fund in  
108 the amount of the lesser of 2.12 percent of the remainder or \$30  
109 million in each fiscal year, to be used for the preservation and  
110 repair of the state's beaches as provided in ss. 161.091-  
111 161.212.

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

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

120  
121 Moneys distributed pursuant to this paragraph may not be pledged  
122 for debt service unless such pledge is approved by referendum of  
123 the voters.

124 (d) The remainder of the moneys distributed under this  
125 subsection, after the required payments under paragraphs (a),  
126 (b), and (c), shall be paid into the State Treasury to the  
127 credit of the General Revenue Fund to be used and expended for  
128 the purposes for which the General Revenue Fund was created and  
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exists by law.

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

(3) (a) Through the 2008-2009 fiscal year, the lesser of 1.94 percent of the remaining taxes collected under this chapter or \$26 million in each fiscal year shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund.

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

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

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

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

(c) Moneys deposited in the Land Acquisition Trust Fund pursuant to this subsection shall be used to acquire coastal lands or to pay debt service on bonds issued to acquire coastal

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157 lands and to develop and manage lands acquired with moneys from  
158 the trust fund.

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

164 (5) (a) For the 2007-2008 fiscal year, 3.96 percent of the  
165 remaining taxes collected under this chapter shall be paid into  
166 the State Treasury to the credit of the Conservation and  
167 Recreation Lands Trust Fund to carry out the purposes set forth  
168 in s. 259.032. Ten and five-hundredths percent of the amount  
169 credited to the Conservation and Recreation Lands Trust Fund  
170 pursuant to this subsection shall be transferred to the State  
171 Game Trust Fund and used for land management activities.

172 (b) Beginning July 1, 2008, 3.52 percent of the remaining  
173 taxes collected under this chapter shall be paid into the State  
174 Treasury to the credit of the Conservation and Recreation Lands  
175 Trust Fund to carry out the purposes set forth in s. 259.032.  
176 Eleven and fifteen hundredths percent of the amount credited to  
177 the Conservation and Recreation Lands Trust Fund pursuant to  
178 this subsection shall be transferred to the State Game Trust  
179 Fund and used for land management activities.

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

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

190 (8) One-half of one percent of the remaining taxes  
191 collected under this chapter shall be paid into the State  
192 Treasury and divided equally to the credit of the Department of  
193 Environmental Protection Water Quality Assurance Trust Fund to  
194 address water quality impacts associated with nonagricultural  
195 nonpoint sources and to the credit of the Department of  
196 Agriculture and Consumer Services General Inspection Trust Fund  
197 to address water quality impacts associated with agricultural  
198 nonpoint sources, respectively. These funds shall be used for  
199 research, development, demonstration, and implementation of  
200 suitable best management practices or other measures used to  
201 achieve water quality standards in surface waters and water  
202 segments identified pursuant to ss. 303(d) of the Clean Water  
203 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.

204 Implementation of best management practices and other measures  
205 may include cost-share grants, technical assistance,  
206 implementation tracking, and conservation leases or other  
207 agreements for water quality improvement. The Department of  
208 Environmental Protection and the Department of Agriculture and  
209 Consumer Services may adopt rules governing the distribution of  
210 funds for implementation of best management practices. The  
211 unobligated balance of funds received from the distribution of  
212 taxes collected under this chapter to address water quality

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213 impacts associated with nonagricultural nonpoint sources will be  
214 excluded when calculating the unobligated balance of the Water  
215 Quality Assurance Trust Fund as it relates to the determination  
216 of the applicable excise tax rate.

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

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

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

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

232 (a) Twelve and one-half percent of that amount shall be  
233 deposited into the State Housing Trust Fund and be expended by  
234 the Department of Community Affairs and by the Florida Housing  
235 Finance Corporation for the purposes for which the State Housing  
236 Trust Fund was created and exists by law.

237 (b) Eighty-seven and one-half percent of that amount shall  
238 be distributed to the Local Government Housing Trust Fund and  
239 shall be used for the purposes for which the Local Government  
240 Housing Trust Fund was created and exists by law. Funds from  
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241 this category may also be used to provide for state and local  
242 services to assist the homeless.

243 (11) The distribution of proceeds deposited into the Water  
244 Management Lands Trust Fund and the Conservation and Recreation  
245 Lands Trust Fund, pursuant to subsections (4) and (5), may not  
246 be used for land acquisition but may be used for preacquisition  
247 costs associated with land purchases. The Legislature intends  
248 that the Florida Forever program supplant the acquisition  
249 programs formerly authorized under ss. 259.032 and 373.59.

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

253 (13) Beginning July 1, 2008, in each fiscal year that the  
254 remaining taxes collected under this chapter exceed collections  
255 in the prior fiscal year, the stated maximum dollar amounts  
256 provided in subsections (2), (4), (6), (7), (9), and (10) shall  
257 each be increased by an amount equal to 10 percent of the  
258 increase in the remaining taxes collected under this chapter  
259 multiplied by the applicable percentage provided in those  
260 subsections.

261 (14) If the payment requirements in any year for bonds  
262 outstanding on July 1, 2007, or bonds issued to refund such  
263 bonds, exceed the limitations of this section, distributions to  
264 the trust fund from which the bond payments are made shall be  
265 increased to the lesser of the amount needed to pay bond  
266 obligations or the limit of the applicable percentage  
267 distribution provided in subsections (1)-(10).

268 (15) Distributions to the State Housing Trust Fund  
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269 pursuant to subsections (9) and (10) shall be sufficient to  
270 cover amounts required to be transferred to the Florida  
271 Affordable Housing Guarantee Program's annual debt service  
272 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b)  
273 up to but not exceeding the amount required to be transferred to  
274 such reserve and fund based on the percentage distribution of  
275 documentary stamp tax revenues to the State Housing Trust Fund  
276 which is in effect in the 2004-2005 fiscal year.

277 (16) If amounts necessary to pay debt service or any other  
278 amounts payable with respect to Preservation 2000 bonds, Florida  
279 Forever bonds, or Everglades Restoration bonds authorized before  
280 July 1, 2009, exceed the amounts distributable pursuant to  
281 subsection (1), all moneys distributable pursuant to this  
282 section are available for such obligations and transferred in  
283 the amounts necessary to pay such obligations when due. However,  
284 amounts distributable pursuant to subsection (2), subsection  
285 (3), subsection (4), subsection (5), paragraph (9)(a), or  
286 paragraph (10)(a) are not available to pay such obligations to  
287 the extent that such moneys are necessary to pay debt service on  
288 bonds secured by revenues pursuant to those provisions.

289 ~~(17)~~(16) The remaining taxes collected under this chapter,  
290 after the distributions provided in the preceding subsections,  
291 shall be paid into the State Treasury to the credit of the  
292 General Revenue Fund.

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**T I T L E   A M E N D M E N T**

Remove line 52 and insert:

requirements; amending s. 201.15, F.S.; requiring certain costs  
to be available and transferred to the extent necessary to pay  
certain debt service and other amounts relating to certain  
bonds; providing for the availability of certain distributable  
moneys for certain obligations and transfer certain amounts to  
pay such obligations; providing exceptions;