

By the Policy and Steering Committee on Ways and Means; the Committees on Finance and Tax; and Judiciary; and Senators Lawson and Gelber

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1 A bill to be entitled
2 An act relating to the taxation of documents; amending
3 s. 3, ch. 83-220, Laws of Florida, as amended;
4 extending a future repeal date of provisions
5 authorizing counties to levy a discretionary surtax on
6 documents; amending s. 125.0167, F.S.; limiting the
7 percentage of surtax revenues that may be used for
8 administrative costs; specifying a minimum amount of
9 surtax revenues to be used for housing for certain
10 low-income and moderate-income families; requiring an
11 affirmative vote of a local government governing body
12 to rehabilitate certain government-owned housing;
13 authorizing certain counties to create by ordinance a
14 housing choice assistance voucher program for the
15 purpose of down payment assistance; providing
16 definitions; providing eligibility requirements for
17 such vouchers; authorizing purchasing employers to
18 file for allocations for such vouchers; limiting
19 allocations; requiring distribution of allocations to
20 employees in the form of such vouchers; prohibiting
21 use of allocations for such vouchers if not awarded
22 within a certain period after certain documentary
23 stamps taxes are collected; requiring the Office of
24 Program Policy Analysis and Government Accountability
25 to conduct a continuing review of the discretionary
26 surtax program operated by counties; requiring reports
27 to the Legislature; providing legislative intent to
28 reverse a judicial opinion relating to the application
29 of the excise tax on documents to certain transactions

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30 involving legal entities; amending s. 201.02, F.S.;

31 creating a presumption for purposes of the excise tax

32 on documents that consideration is given for deeds,

33 instruments, or writings that convey property between

34 certain individuals and entities; creating a

35 presumption of the amount of the consideration;

36 creating an exemption from the tax for certain deeds,

37 instruments, or writings that convey property;

38 creating a presumption that the deed, instrument, or

39 writing was taxable if a subsequent conveyance of the

40 property or grantee entity is made within a certain

41 period of time; specifying the calculation of tax due

42 on the original conveyance; providing that the tax on

43 the original deed, instrument, or writing does not

44 apply if the subsequent conveyance is the result of an

45 inter vivos gift or the death of any person; providing

46 that the tax applies to transfers involving the

47 exchange of real property for shares of stock or as a

48 capital contribution; imposing the tax on deeds,

49 instruments, and other writings on the consideration

50 for a transfer of real property pursuant to a short

51 sale; providing that the consideration subject to the

52 tax does not include unpaid indebtedness that is

53 forgiven by a mortgagee; defining the term "short

54 sale"; authorizing the Department of Revenue to adopt

55 emergency rules relating to short sales; amending s.

56 201.031, F.S.; expanding requirements for counties

57 levying the discretionary surtax to include housing

58 plan, affordable housing element, and annual reporting

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59 requirements; amending s. 719.105, F.S.; conforming a
60 cross-reference; authorizing the issuance of Florida
61 Forever bonds; providing an appropriation for debt
62 service on such bonds; authorizing the issuance of
63 Everglades Restoration bonds; providing an
64 appropriation for debt service on such bonds;
65 providing an appropriation to the Department of
66 Environmental Protection for the design and
67 construction of certain restoration and protection
68 plans and for the acquisition of lands needed for
69 these project components; providing an appropriation
70 for the purpose of implementing agricultural nonpoint
71 source controls in certain watersheds; amending s.
72 201.15, F.S.; conforming provisions to changes made by
73 the act; providing for application of specified
74 provisions of the act; providing effective dates.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Section 3 of chapter 83-220, Laws of Florida, as
79 amended by section 1 of chapter 84-270, Laws of Florida, and
80 section 1 of chapter 89-252, Laws of Florida, is amended to
81 read:

82 Section 3. Sections 1 and 2 of chapter 83-220, Laws of
83 Florida, as amended by this act, are repealed effective October
84 1, 2031 ~~2011~~.

85 Section 2. Section 125.0167, Florida Statutes, is amended
86 to read:

87 125.0167 Discretionary surtax on documents; adoption;

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88 application of revenue.—

89 (1) Pursuant to the provisions of s. 201.031, the governing
90 authority in each county, as defined by s. 125.011(1), is
91 authorized to levy a discretionary surtax on documents for the
92 purpose of establishing and financing a Housing Assistance Loan
93 Trust Fund to assist in the financing of construction,
94 rehabilitation, or purchase of housing for low-income and
95 moderate-income families. No less than 50 percent of the funds
96 used in each county to provide such housing assistance shall be
97 for the benefit of low-income families. For the purpose of this
98 section, "low-income family" means a family whose income does
99 not exceed 80 percent of the median income for the area, and
100 "moderate-income family" means a family whose income is in
101 excess of 80 percent but less than 140 percent of the median
102 income for the area. For purposes of this section, the term
103 "housing" is not limited to single-family, detached dwellings.
104 The rate of the surtax shall not exceed the rate of 45 cents for
105 each \$100 or fractional part thereof of the consideration
106 therefor. Such surtax shall apply only to those documents
107 taxable under s. 201.02, except that there shall be no surtax on
108 any document pursuant to which the interest granted, assigned,
109 transferred, or conveyed involves only a single-family
110 residence. Such single-family residence may be a condominium
111 unit, a unit held through stock ownership or membership
112 representing a proprietary interest in a corporation owning a
113 fee or a leasehold initially in excess of 98 years, or a
114 detached dwelling.

115 (2) The levy of the discretionary surtax and the creation
116 of a Housing Assistance Loan Trust Fund shall be by ordinance

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117 which shall set forth the policies and procedures of the
118 assistance program. The ordinance shall be proposed at a regular
119 meeting of the governing authority at least 2 weeks prior to
120 formal adoption. Formal adoption shall not be effective unless
121 approved on final vote by a majority of the total membership of
122 the governing authority. The ordinance shall not take effect
123 until 90 days after formal adoption.

124 (3) The county shall deposit revenues from the
125 discretionary surtax in the Housing Assistance Loan Trust Fund
126 of the county, except that a portion of such revenues may be
127 deposited into the Home Investment Trust Fund of the county as
128 defined by and created pursuant to the requirements of federal
129 law. The county shall use the revenues only to help finance the
130 construction, rehabilitation, or purchase of housing for low-
131 income families and moderate-income families, to pay necessary
132 costs of collection and enforcement of the surtax, and to fund
133 any local matching contributions required pursuant to federal
134 law. For purposes of this section, authorized uses of the
135 revenues include, but are not limited to, providing funds for
136 first and second mortgages and acquiring property for the
137 purpose of forming housing cooperatives. Special consideration
138 shall be given toward using the revenues in the neighborhood
139 economic development programs of community development
140 corporations. No more than 50 percent of the revenues collected
141 each year pursuant to this section may be used to help finance
142 new construction as provided herein. The proceeds of the surtax
143 shall not be used for rent subsidies or grants.

144 (4) No more than 10 percent of surtax revenues collected
145 under this section by the Department of Revenue and remitted to

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146 the county in any fiscal year may be used for administrative
147 costs.

148 (5) (a) Notwithstanding the provisions of subsection (3), of
149 the discretionary surtax revenues collected by the Department of
150 Revenue remaining after any deduction for administrative costs
151 as provided in subsection (4), no less than 35 percent shall be
152 used to provide homeownership assistance for low-income and
153 moderate-income families, and no less than 35 percent shall be
154 used for construction, rehabilitation, and purchase of rental
155 housing units. The remaining amount may be allocated to provide
156 for homeownership assistance or rental housing units, at the
157 discretion of the county. Any funds allocated for homeownership
158 assistance or rental housing units which are not committed at
159 the end of the fiscal year shall be available for homeownership
160 assistance or construction, rehabilitation, and purchase of
161 rental housing units in subsequent years.

162 (b) For purposes of this subsection, the term
163 "homeownership assistance" means assisting low-income and
164 moderate-income families in purchasing a home as their primary
165 residence, including, but not limited to, reducing the cost of
166 the home with below-market construction financing, the amount of
167 down payment and closing costs paid by the borrower, or the
168 mortgage payment to an affordable amount for the purchaser or
169 using any other financial assistance measure set forth in s.
170 420.5088.

171 (6) Rehabilitation of housing owned by a recipient
172 government may be authorized only after a determination approved
173 by a majority of the governing body that no other sources of
174 funds are available.

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175 (7) (a) The governing body of each county as defined in s.
176 125.011(1) may, by county ordinance and pursuant to procedures
177 and requirements provided by such ordinance, create a housing
178 choice assistance voucher program.

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

180 1. "Housing choice assistance voucher" means the document
181 used to access assistance paid by the county from the
182 discretionary surtax balance in the Housing Assistance Trust
183 Fund to a prospective purchaser of a single-family residence,
184 which must be the purchaser's homestead.

185 2. "Purchasing employer" means a business or business
186 entity that has acquired real property within the county and
187 paid the surtax due as a result of the acquisition of that
188 property pursuant to this section.

189 (c) Housing choice assistance vouchers shall be used for
190 down payment assistance for the purchase of a single-family
191 residence by low-income or moderate-income persons within the
192 county and within a 5-mile radius of the purchasing employer who
193 are:

194 1. Actively employed by the purchasing employer or by a
195 business entity directly affiliated with the purchasing
196 employer.

197 2. Prequalified for a mortgage loan by a certified lending
198 institution.

199 (d) Upon payment of the discretionary surtax pursuant to
200 this section, the purchasing employer may file for an allocation
201 for housing choice assistance vouchers from the county in an
202 amount not to exceed 50 percent of the amount of the
203 discretionary surtax paid. The purchasing employer shall

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204 distribute the allocation to employees in the form of housing
205 choice assistance vouchers pursuant to rules and procedures
206 established for the program.

207 (e) Any housing choice assistance voucher allocation not
208 distributed to employees and redeemed by an employee within 1
209 year after the date the discretionary surtax is paid may not be
210 used for housing choice assistance vouchers under this
211 subsection.

212 (f) Any housing assistance paid pursuant to the housing
213 choice assistance voucher program shall be included in the
214 calculation determining the percentage of discretionary surtax
215 funds used for homeownership purposes during the year in which
216 the surtax funds for such purposes are expended.

217 (8) By June 30, 2012, and every 5 years thereafter, the
218 Office of Program Policy Analysis and Government Accountability
219 shall review the discretionary surtax program operated by
220 counties under this section and shall provide a report to the
221 President of the Senate and the Speaker of the House of
222 Representatives.

223 Section 3. (1) The Legislature finds that the Florida
224 Supreme Court opinion in *Crescent Miami Center, LLC v. Florida*
225 *Department of Revenue*, 903 So. 2d 913 (Fla. 2005), interprets s.
226 201.02, Florida Statutes, in a manner that permits tax avoidance
227 inconsistent with the intent of the Legislature at the time said
228 statute was amended in 1990.

229 (2) The Legislature finds that the District Court of
230 Appeals for the Third District of Florida opinion in *Crescent*
231 *Miami Center, LLC v. Florida Department of Revenue*, 857 So. 2d
232 904 (Fla. 3d D.C.A. 2003), interprets s. 201.02, Florida

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233 Statutes, in a manner that prevents tax avoidance consistent
234 with the intent of the Legislature at the time said statute was
235 amended in 1990.

236 (3) The Legislature intends, by this act, to prevent tax
237 avoidance through the use of artificial entities to transfer the
238 beneficial ownership of real property that changes, by a step or
239 series of steps, excluding certain entities that are used for
240 estate planning purposes.

241 Section 4. Subsection (1) of section 201.02, Florida
242 Statutes, is amended and subsections (11) through (13) are added
243 to that section, to read:

244 201.02 Tax on deeds and other instruments relating to real
245 property or interests in real property.—

246 (1) (a) On deeds, instruments, or writings whereby any
247 lands, tenements, or other real property, or any interest
248 therein, shall be granted, assigned, transferred, or otherwise
249 conveyed to, or vested in, the purchaser or any other person by
250 his or her direction, on each \$100 of the consideration therefor
251 the tax shall be 70 cents. When the full amount of the
252 consideration for the execution, assignment, transfer, or
253 conveyance is not shown in the face of such deed, instrument,
254 document, or writing, the tax shall be at the rate of 70 cents
255 for each \$100 or fractional part thereof of the consideration
256 therefor. For purposes of this section, consideration includes,
257 but is not limited to, the money paid or agreed to be paid; the
258 discharge of an obligation; and the amount of any mortgage,
259 purchase money mortgage lien, or other encumbrance, whether or
260 not the underlying indebtedness is assumed. If the consideration
261 paid or given in exchange for real property or any interest

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262 therein includes property other than money, it is presumed that
263 the consideration is equal to the fair market value of the real
264 property or interest therein.

265 (b) Except as provided in subsection (11), consideration is
266 given for real property when conveyance of an interest in real
267 property is made between a person or persons and a legal entity,
268 or between legal entities, whether or not the conveyance is
269 characterized as a mere change in the method of holding title or
270 of the legal form of ownership or the proportional beneficial
271 interests of all parties remain the same before and after the
272 conveyance. The consideration given is presumed to equal the
273 fair market value of the real property or interest therein.

274 (11) The conveyance of an interest in real property between
275 a person or persons and a legal entity or between legal entities
276 is exempt from the tax imposed by paragraph (1) (b) when the
277 conveyance is not a precursor to the transfer of the ownership
278 or control of an interest in the entity or a conveyance of the
279 real property by whatever method, means, or operation of law. If
280 within 3 years from the date of the conveyance exempt pursuant
281 to this section a subsequent direct or indirect transfer of all
282 or a portion of an interest in the entity or a conveyance of the
283 real property is made, the original conveyance is presumed to
284 have been a precursor to the transfer or conveyance and the tax
285 imposed by this section is due on the subsequent transfer or
286 conveyance of that portion of the real property transferred
287 measured by the fair market value of the portion of the
288 transferred real property at the time of the subsequent transfer
289 or conveyance.

290 (12) The requirements of this section do not apply to any

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291 deed, instrument, or other writing which transfers or conveys
292 real property, or an interest therein, other than that portion
293 subject to the tax imposed by paragraph (1) (a), when the
294 transfer or conveyance is by inter vivos gift for purposes of
295 estate planning, or when by reason of the death of any person,
296 such real property, or interests therein, are transferred
297 outright to, or in trust for the benefit of, any person or
298 entity.

299 (13) The documentary stamp tax imposed by this section
300 applies to a deed, instrument, or writing that transfers any
301 interest in real property pursuant to a short sale, as defined
302 in this subsection. The taxable consideration for a short sale
303 transfer does not include unpaid indebtedness that is forgiven
304 or released by a mortgagee holding a mortgage on the grantor's
305 interest in the property. A short sale is a purchase and sale of
306 real property in which:

307 (a) The grantor's interest in the real property is
308 encumbered by a mortgage or mortgages securing indebtedness in
309 an aggregate amount greater than the purchase price paid by the
310 grantee;

311 (b) A mortgagee releases the real property from its
312 mortgage in exchange for a partial payment of less than all of
313 the outstanding mortgage indebtedness owing to the releasing
314 mortgagee;

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

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

319 Section 5. The amendments to subsections (1), (11), and

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320 (12) of section 201.02, Florida Statutes, made by this act and
321 the provisions of section 3 of this act are intended to be
322 clarifying and remedial in nature, but do not provide a basis
323 for assessments of tax, or refunds of tax, for periods before
324 July 1, 2009.

325 Section 6. Effective upon this act becoming a law, the
326 Department of Revenue is authorized, and all conditions are
327 deemed met, to adopt emergency rules under ss. 120.536(1) and
328 120.54(4), Florida Statutes, to implement s. 201.02(13), Florida
329 Statutes, as created by section 4 of this act, relating to short
330 sales. Notwithstanding any other provision of law, such
331 emergency rules shall remain effective for 6 months after the
332 date of adoption and may be renewed during the pendency of
333 procedures to adopt rules addressing the subject of the
334 emergency rules.

335 Section 7. Section 201.031, Florida Statutes, is amended to
336 read:

337 201.031 Discretionary surtax; administration and
338 collection; Housing Assistance Loan Trust Fund; reporting
339 requirements.-

340 (1) Each county, as defined by s. 125.011(1), may levy,
341 subject to the provisions of s. 125.0167, a discretionary surtax
342 on documents taxable under the provisions of s. 201.02, except
343 that there shall be no surtax on any document pursuant to which
344 the interest granted, assigned, transferred, or conveyed
345 involves only a single-family residence. ~~The~~ Such single-family
346 residence may be a condominium unit, a unit held through stock
347 ownership or membership representing a proprietary interest in a
348 corporation owning a fee or a leasehold initially in excess of

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349 98 years, or a detached dwelling.

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

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

356 (a) Include in the financial report required under s.
357 218.32 information showing the revenues and the expenses of the
358 trust fund for the fiscal year.

359 (b) Adopt a housing plan every 3 years which includes
360 provisions substantially similar to the plans required in s.
361 420.9075(1).

362 (c) Have adopted an affordable housing element of its
363 comprehensive land use plan which complies with s.
364 163.3177(6) (f).

365 (d) Require by resolution that the staff or entity that has
366 administrative authority for implementing the housing plan
367 prepare and submit to the county's governing body an annual
368 report substantially similar to the annual report required in s.
369 420.9075(10).

370 Section 8. Paragraph (a) of subsection (1) of section
371 719.105, Florida Statutes, is amended to read:

372 719.105 Cooperative parcels; appurtenances; possession and
373 enjoyment.—

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

375 (a) Evidence of membership, ownership of shares, or other
376 interest in the association with the full voting rights
377 appertaining thereto. Such evidence must include a legal

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378 description of each dwelling unit and must be recorded in the
379 office of the clerk of the circuit court as required by s.
380 201.02(4) ~~s. 201.02(3)~~.

381 Section 9. Pursuant to s. 201.15(1)(a), Florida Statutes,
382 the issuance of \$50 million of Florida Forever bonds is
383 authorized, in addition to any previously authorized bonds. For
384 the 2009-2010 fiscal year, the sum of \$3,502,005 is appropriated
385 from the Land Acquisition Trust Fund to the Department of
386 Environmental Protection for debt service on the new bonds. The
387 proceeds of such bonds shall be distributed in accordance with
388 s. 259.105(3), Florida Statutes. The Department of Environmental
389 Protection and the agencies receiving such bond proceeds are
390 appropriated budget authority necessary to transfer and expend
391 the respective amounts of the distributed bond proceeds.

392 Section 10. (1) Pursuant to s. 215.619(1), Florida
393 Statutes, the issuance of \$50 million of Everglades Restoration
394 bonds is authorized, in addition to any previously authorized
395 bonds. For the 2009-2010 fiscal year, the sum of \$4,991,600 is
396 appropriated from the Save Our Everglades Trust Fund to the
397 Department of Environmental Protection for debt service on the
398 new bonds.

399 (2) The sum of \$47 million is appropriated from the Save
400 Our Everglades Trust Fund to the Department of Environmental
401 Protection for the design and construction of Comprehensive
402 Everglades Restoration Plan components, Lake Okeechobee
403 Protection Plan components, and Caloosahatchee and St. Lucie
404 River Watershed Protection Plan components, and for the
405 acquisition of lands needed for these project components. The
406 sum of \$3 million is appropriated from the Save Our Everglades

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407 Trust Fund to the Department of Environmental Protection for
408 transfer to the Department of Agriculture and Consumer Services
409 into the General Inspection Trust Fund to fund activities
410 authorized in subsection (3).

411 (3) The sum of \$3 million is appropriated from the General
412 Inspections Trust Fund to the Department of Agriculture and
413 Consumer Services for the purpose of implementing agricultural
414 nonpoint source controls in the Okeechobee, Caloosahatchee, and
415 St. Lucie River watersheds.

416 Section 11. Section 201.15, Florida Statutes, as amended by
417 section 1 of chapter 2009-17, Laws of Florida, is amended to
418 read:

419 201.15 Distribution of taxes collected.—All taxes collected
420 under this chapter are subject to the service charge imposed in
421 s. 215.20(1). Prior to distribution under this section, the
422 Department of Revenue shall deduct amounts necessary to pay the
423 costs of the collection and enforcement of the tax levied by
424 this chapter. Such costs and the service charge may not be
425 levied against any portion of taxes pledged to debt service on
426 bonds to the extent that the costs and service charge are
427 required to pay any amounts relating to the bonds. After
428 distributions are made pursuant to subsection (1), all of the
429 costs of the collection and enforcement of the tax levied by
430 this chapter and the service charge shall be available and
431 transferred to the extent necessary to pay debt service and any
432 other amounts payable with respect to bonds authorized before
433 January 1, 2010, secured by revenues distributed pursuant to
434 subsection (1). All taxes remaining after deduction of costs and
435 the service charge shall be distributed as follows:

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

439 (a) Amounts necessary to pay the debt service on, or fund
440 debt service reserve funds, rebate obligations, or other amounts
441 payable with respect to Preservation 2000 bonds issued pursuant
442 to s. 375.051 and Florida Forever bonds issued pursuant to s.
443 215.618, shall be paid into the State Treasury to the credit of
444 the Land Acquisition Trust Fund to be used for such purposes.
445 The amount transferred to the Land Acquisition Trust Fund may
446 not exceed \$300 million in fiscal year 1999-2000 and thereafter
447 for Preservation 2000 bonds and bonds issued to refund
448 Preservation 2000 bonds, and \$300 million in fiscal year 2000-
449 2001 and thereafter for Florida Forever bonds. The annual amount
450 transferred to the Land Acquisition Trust Fund for Florida
451 Forever bonds may not exceed \$30 million in the first fiscal
452 year in which bonds are issued. The limitation on the amount
453 transferred shall be increased by an additional \$30 million in
454 each subsequent fiscal year, but may not exceed a total of \$300
455 million in any fiscal year for all bonds issued. It is the
456 intent of the Legislature that all bonds issued to fund the
457 Florida Forever Act be retired by December 31, 2040. Except for
458 bonds issued to refund previously issued bonds, no series of
459 bonds may be issued pursuant to this paragraph unless such bonds
460 are approved and the debt service for the remainder of the
461 fiscal year in which the bonds are issued is specifically
462 appropriated in the General Appropriations Act. For purposes of
463 refunding Preservation 2000 bonds, amounts designated within
464 this section for Preservation 2000 and Florida Forever bonds may

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465 be transferred between the two programs to the extent provided
466 for in the documents authorizing the issuance of the bonds. The
467 Preservation 2000 bonds and Florida Forever bonds shall be
468 equally and ratably secured by moneys distributable to the Land
469 Acquisition Trust Fund pursuant to this section, except to the
470 extent specifically provided otherwise by the documents
471 authorizing the issuance of the bonds. No moneys transferred to
472 the Land Acquisition Trust Fund pursuant to this paragraph, or
473 earnings thereon, shall be used or made available to pay debt
474 service on the Save Our Coast revenue bonds.

475 (b) Moneys shall be paid into the State Treasury to the
476 credit of the Save Our Everglades Trust Fund in amounts
477 necessary to pay debt service, provide reserves, and pay rebate
478 obligations and other amounts due with respect to bonds issued
479 under s. 215.619. Taxes distributed under paragraph (a) and this
480 paragraph must be collectively distributed on a pro rata basis
481 when the available moneys under this subsection are not
482 sufficient to cover the amounts required under paragraph (a) and
483 this paragraph.

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

487 1. The State Transportation Trust Fund in the Department of
488 Transportation in the amount of the lesser of 38.2 percent of
489 the remainder or \$541.75 million in each fiscal year, to be used
490 for the following specified purposes, notwithstanding any other
491 law to the contrary:

492 a. For the purposes of capital funding for the New Starts
493 Transit Program, authorized by Title 49, U.S.C. s. 5309 and

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494 specified in s. 341.051, 10 percent of these funds;

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

497 c. For the purposes of the Strategic Intermodal System
498 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
499 of these funds after allocating for the New Starts Transit
500 Program described in sub-subparagraph a. and the Small County
501 Outreach Program described in sub-subparagraph b.; and

502 d. For the purposes of the Transportation Regional
503 Incentive Program specified in s. 339.2819, 25 percent of these
504 funds after allocating for the New Starts Transit Program
505 described in sub-subparagraph a. and the Small County Outreach
506 Program described in sub-subparagraph b.

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

511 3. The Grants and Donations Trust Fund in the Department of
512 Community Affairs in the amount of the lesser of .23 percent of
513 the remainder or \$3.25 million in each fiscal year, with 92
514 percent to be used to fund technical assistance to local
515 governments and school boards on the requirements and
516 implementation of this act and the remaining amount to be used
517 to fund the Century Commission established in s. 163.3247.

518 4. The Ecosystem Management and Restoration Trust Fund in
519 the amount of the lesser of 2.12 percent of the remainder or \$30
520 million in each fiscal year, to be used for the preservation and
521 repair of the state's beaches as provided in ss. 161.091-
522 161.212.

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

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

531
532 Moneys distributed pursuant to this paragraph may not be pledged
533 for debt service unless such pledge is approved by referendum of
534 the voters.

535 (d) The remainder of the moneys distributed under this
536 subsection, after the required payments under paragraphs (a),
537 (b), and (c), shall be paid into the State Treasury to the
538 credit of the General Revenue Fund to be used and expended for
539 the purposes for which the General Revenue Fund was created and
540 exists by law.

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

548 (3) (a) Through the 2008-2009 fiscal year, the lesser of
549 1.94 percent of the remaining taxes collected under this chapter
550 or \$26 million in each fiscal year shall be paid into the State
551 Treasury to the credit of the Land Acquisition Trust Fund.

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552 (b) Beginning with the 2009-2010 fiscal year, the lesser of
553 1.94 percent of the remaining taxes collected under this chapter
554 or \$26 million in each fiscal year shall be distributed in the
555 following order:

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

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

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

565 (c) Moneys deposited in the Land Acquisition Trust Fund
566 pursuant to this subsection shall be used to acquire coastal
567 lands or to pay debt service on bonds issued to acquire coastal
568 lands and to develop and manage lands acquired with moneys from
569 the trust fund.

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

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

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581 pursuant to this subsection shall be transferred to the State
582 Game Trust Fund and used for land management activities.

583 (b) Beginning July 1, 2008, 3.52 percent of the remaining
584 taxes collected under this chapter shall be paid into the State
585 Treasury to the credit of the Conservation and Recreation Lands
586 Trust Fund to carry out the purposes set forth in s. 259.032.
587 Eleven and fifteen hundredths percent of the amount credited to
588 the Conservation and Recreation Lands Trust Fund pursuant to
589 this subsection shall be transferred to the State Game Trust
590 Fund and used for land management activities.

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

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

601 (8) One-half of one percent of the remaining taxes
602 collected under this chapter shall be paid into the State
603 Treasury and divided equally to the credit of the Department of
604 Environmental Protection Water Quality Assurance Trust Fund to
605 address water quality impacts associated with nonagricultural
606 nonpoint sources and to the credit of the Department of
607 Agriculture and Consumer Services General Inspection Trust Fund
608 to address water quality impacts associated with agricultural
609 nonpoint sources, respectively. These funds shall be used for

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610 research, development, demonstration, and implementation of
611 suitable best management practices or other measures used to
612 achieve water quality standards in surface waters and water
613 segments identified pursuant to ss. 303(d) of the Clean Water
614 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.
615 Implementation of best management practices and other measures
616 may include cost-share grants, technical assistance,
617 implementation tracking, and conservation leases or other
618 agreements for water quality improvement. The Department of
619 Environmental Protection and the Department of Agriculture and
620 Consumer Services may adopt rules governing the distribution of
621 funds for implementation of best management practices. The
622 unobligated balance of funds received from the distribution of
623 taxes collected under this chapter to address water quality
624 impacts associated with nonagricultural nonpoint sources will be
625 excluded when calculating the unobligated balance of the Water
626 Quality Assurance Trust Fund as it relates to the determination
627 of the applicable excise tax rate.

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

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

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

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

643 (a) Twelve and one-half percent of that amount shall be
644 deposited into the State Housing Trust Fund and be expended by
645 the Department of Community Affairs and by the Florida Housing
646 Finance Corporation for the purposes for which the State Housing
647 Trust Fund was created and exists by law.

648 (b) Eighty-seven and one-half percent of that amount shall
649 be distributed to the Local Government Housing Trust Fund and
650 shall be used for the purposes for which the Local Government
651 Housing Trust Fund was created and exists by law. Funds from
652 this category may also be used to provide for state and local
653 services to assist the homeless.

654 (11) The distribution of proceeds deposited into the Water
655 Management Lands Trust Fund and the Conservation and Recreation
656 Lands Trust Fund, pursuant to subsections (4) and (5), may not
657 be used for land acquisition but may be used for preacquisition
658 costs associated with land purchases. The Legislature intends
659 that the Florida Forever program supplant the acquisition
660 programs formerly authorized under ss. 259.032 and 373.59.

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

664 (13) Beginning July 1, 2008, in each fiscal year that the
665 remaining taxes collected under this chapter exceed collections
666 in the prior fiscal year, the stated maximum dollar amounts
667 provided in subsections (2), (4), (6), (7), (9), and (10) shall

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668 each be increased by an amount equal to 10 percent of the
669 increase in the remaining taxes collected under this chapter
670 multiplied by the applicable percentage provided in those
671 subsections.

672 (14) If the payment requirements in any year for bonds
673 outstanding on July 1, 2007, or bonds issued to refund such
674 bonds, exceed the limitations of this section, distributions to
675 the trust fund from which the bond payments are made shall be
676 increased to the lesser of the amount needed to pay bond
677 obligations or the limit of the applicable percentage
678 distribution provided in subsections (1)-(10).

679 (15) Distributions to the State Housing Trust Fund pursuant
680 to subsections (9) and (10) shall be sufficient to cover amounts
681 required to be transferred to the Florida Affordable Housing
682 Guarantee Program's annual debt service reserve and guarantee
683 fund pursuant to s. 420.5092(6)(a) and (b) up to but not
684 exceeding the amount required to be transferred to such reserve
685 and fund based on the percentage distribution of documentary
686 stamp tax revenues to the State Housing Trust Fund which is in
687 effect in the 2004-2005 fiscal year.

688 (16) If amounts necessary to pay debt service or any other
689 amounts payable with respect to Preservation 2000 bonds, Florida
690 Forever bonds, or Everglades Restoration bonds authorized before
691 January 1, 2010, exceed the amounts distributable pursuant to
692 subsection (1), all moneys distributable pursuant to this
693 section are available for such obligations and transferred in
694 the amounts necessary to pay such obligations when due. However,
695 amounts distributable pursuant to subsection (2), subsection
696 (3), subsection (4), subsection (5), paragraph (9)(a), or

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697 paragraph (10)(a) are not available to pay such obligations to
698 the extent that such moneys are necessary to pay debt service on
699 bonds secured by revenues pursuant to those provisions.

700 (17)~~(16)~~ The remaining taxes collected under this chapter,
701 after the distributions provided in the preceding subsections,
702 shall be paid into the State Treasury to the credit of the
703 General Revenue Fund.

704 Section 12. Except as otherwise expressly provided in this
705 act and except for this section, which shall take effect upon
706 becoming a law, this act shall take effect July 1, 2009, and
707 section 4 of this act applies to transfers of real property
708 occurring on or after July 1, 2009.