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LEGISLATIVE ACTION

Senate

House

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Floor: WD/2R

04/16/2009 11:30 AM

Senator Dockery moved the following:

Senate Amendment (with title amendment)

Between lines 970 and 971

insert:

Section 37. Section 201.15, Florida Statutes, as amended by section 1 of chapter 2009-17, Laws of Florida, is amended to read:

201.15 Distribution of taxes collected.—All taxes collected under this chapter are subject to the service charge imposed in s. 215.20(1). Prior to distribution under this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by



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13 this chapter. Such costs and the service charge may not be
14 levied against any portion of taxes pledged to debt service on
15 bonds to the extent that the costs and service charge are
16 required to pay any amounts relating to the bonds. After
17 distributions are made pursuant to subsection (1), all of the
18 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 secured by revenues
22 distributed pursuant to subsection (1). All taxes remaining
23 after deduction of costs and the service charge shall be
24 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



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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
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



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71 sufficient to cover the amounts required under paragraph (a) and
72 this paragraph.

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 of
77 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.



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100 3. The Grants and Donations Trust Fund in the Department of
101 Community Affairs in the amount of the lesser of .23 percent of
102 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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129 exists by law.

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

137 (3) (a) Through the 2008-2009 fiscal year, the lesser of
138 1.94 percent of the remaining taxes collected under this chapter
139 or \$26 million in each fiscal year shall be paid into the State
140 Treasury to the credit of the Land Acquisition Trust Fund.

141 (b) Beginning with the 2009-2010 fiscal year, the lesser of
142 1.94 percent of the remaining taxes collected under this chapter
143 or \$26 million in each fiscal year shall be distributed in the
144 following order:

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

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

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

154 (c) Moneys deposited in the Land Acquisition Trust Fund
155 pursuant to this subsection shall be used to acquire coastal
156 lands or to pay debt service on bonds issued to acquire coastal
157 lands and to develop and manage lands acquired with moneys from



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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.

185 (7) The lesser of .5 percent of the remaining taxes
186 collected under this chapter or \$9.3 million in each fiscal year



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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
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



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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
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



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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 pursuant
269 to subsections (9) and (10) shall be sufficient to cover amounts
270 required to be transferred to the Florida Affordable Housing
271 Guarantee Program's annual debt service reserve and guarantee
272 fund pursuant to s. 420.5092(6)(a) and (b) up to but not
273 exceeding the amount required to be transferred to such reserve



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274 and fund based on the percentage distribution of documentary
275 stamp tax revenues to the State Housing Trust Fund which is in
276 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 issued prior to
280 July 1, 2009, exceed the amounts distributable pursuant to
281 subsection (1), all moneys distributable pursuant to this
282 section shall be available for such obligations and transferred
283 in the amounts necessary to pay such obligations when due.
284 Notwithstanding the above, amounts distributable pursuant to
285 subsection (2), paragraph (3) (b), subsection (4), subsection
286 (5), paragraph (9) (a), or paragraph (10) (a) shall not be
287 available to pay such obligations to the extent that such moneys
288 are necessary to pay debt service on bonds secured by revenues
289 pursuant to those subsections.

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

294 Section 38. The amendment to s. 201.15, Florida Statutes,
295 made by this act shall expire July 1, 2010, and the text of that
296 section shall revert to that in existence on June 30, 2009,
297 except that any amendments to such text enacted other than by
298 this act shall be preserved and continue to operate to the
299 extent that such amendments are not dependent upon the portions
300 of such text which expire pursuant to this section.

301
302 ===== T I T L E A M E N D M E N T =====



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303 And the title is amended as follows:
304 Delete line 157
305 and insert:
306 travel in writing; providing exceptions; amending s.
307 201.15, F.S.; authorizing the use of specified
308 proceeds from the excise tax on documents for certain
309 debt service obligations; authorizing the use of
310 proceeds from the excise tax on documents for
311 specified debt service obligations under certain
312 conditions; providing for reversion of statutory text
313 of certain provisions; providing for