

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Lopez-Cantera offered the following:

2
3 **Substitute Amendment for Amendment (080181) (with title**
4 **amendment)**

5 Remove everything after the enacting clause and insert:

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

10 Section 3. Sections 1 and 2 of chapter 83-220, Laws of
11 Florida, as amended by this act, are repealed effective October
12 1, 2031 ~~2011~~.

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

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

886437

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Amendment No.

17 (1) Pursuant to the provisions of s. 201.031, the
18 governing authority in each county, as defined by s. 125.011(1),
19 is authorized to levy a discretionary surtax on documents for
20 the purpose of establishing and financing a Housing Assistance
21 Loan Trust Fund to assist in the financing of construction,
22 rehabilitation, or purchase of housing for low-income and
23 moderate-income families. No less than 50 percent of the funds
24 used in each county to provide such housing assistance shall be
25 for the benefit of low-income families. For the purpose of this
26 section, "low-income family" means a family whose income does
27 not exceed 80 percent of the median income for the area, and
28 "moderate-income family" means a family whose income is in
29 excess of 80 percent but less than 140 percent of the median
30 income for the area. For purposes of this section, the term
31 "housing" is not limited to single-family, detached dwellings.
32 The rate of the surtax shall not exceed the rate of 45 cents for
33 each \$100 or fractional part thereof of the consideration
34 therefor. Such surtax shall apply only to those documents
35 taxable under s. 201.02, except that there shall be no surtax on
36 any document pursuant to which the interest granted, assigned,
37 transferred, or conveyed involves only a single-family
38 residence. Such single-family residence may be a condominium
39 unit, a unit held through stock ownership or membership
40 representing a proprietary interest in a corporation owning a
41 fee or a leasehold initially in excess of 98 years, or a
42 detached dwelling.

43 (2) The levy of the discretionary surtax and the creation
44 of a Housing Assistance Loan Trust Fund shall be by ordinance
886437

Amendment No.

45 which shall set forth the policies and procedures of the
46 assistance program. The ordinance shall be proposed at a regular
47 meeting of the governing authority at least 2 weeks prior to
48 formal adoption. Formal adoption shall not be effective unless
49 approved on final vote by a majority of the total membership of
50 the governing authority. The ordinance shall not take effect
51 until 90 days after formal adoption.

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

72 (4) No more than 10 percent of surtax revenues collected

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

73 under this section by the Department of Revenue and remitted to
74 the county in any fiscal year may be used for administrative
75 costs.

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

96 (b) For purposes of this subsection, the term
97 "homeownership assistance" means assisting low-income and
98 moderate-income families in purchasing a home as their primary
99 residence, including, but not limited to, reducing the cost of
100 the home with below-market construction financing, the amount of

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

101 down payment and closing costs paid by the borrower, or the
102 mortgage payment to an affordable amount for the purchaser or
103 using any other financial assistance measure set forth in s.
104 420.5088.

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

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

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

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

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

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

128 1. Actively employed by the purchasing employer or by a
886437

Amendment No.

129 business entity directly affiliated with the purchasing
130 employer.

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

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

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

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

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

886437

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Amendment No.

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

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

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

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

178 201.02 Tax on deeds and other instruments relating to real
179 property or interests in real property.--

180 (1) (a) On deeds, instruments, or writings whereby any
181 lands, tenements, or other real property, or any interest
182 therein, shall be granted, assigned, transferred, or otherwise
183 conveyed to, or vested in, the purchaser or any other person by
184 his or her direction, on each \$100 of the consideration therefor
886437

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Amendment No.

185 the tax shall be 70 cents. When the full amount of the
186 consideration for the execution, assignment, transfer, or
187 conveyance is not shown in the face of such deed, instrument,
188 document, or writing, the tax shall be at the rate of 70 cents
189 for each \$100 or fractional part thereof of the consideration
190 therefor. For purposes of this section, consideration includes,
191 but is not limited to, the money paid or agreed to be paid; the
192 discharge of an obligation; and the amount of any mortgage,
193 purchase money mortgage lien, or other encumbrance, whether or
194 not the underlying indebtedness is assumed. If the consideration
195 paid or given in exchange for real property or any interest
196 therein includes property other than money, it is presumed that
197 the consideration is equal to the fair market value of the real
198 property or interest therein.

199 (b) Except as provided in subsection (11), consideration
200 is given for real property when conveyance of an interest in
201 real property is made between a person or persons and a legal
202 entity, or between legal entities, whether or not the conveyance
203 is characterized as a mere change in the method of holding title
204 or of the legal form of ownership or the proportional beneficial
205 interests of all parties remain the same before and after the
206 conveyance. The consideration given is presumed to equal the
207 fair market value of the real property or interest therein.

208 (11) The conveyance of an interest in real property
209 between a person or persons and a legal entity or between legal
210 entities is exempt from the tax imposed by paragraph (1) (b) when
211 the conveyance is not a precursor to the transfer of the
212 ownership or control of an interest in the entity or a

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

213 conveyance of the real property by whatever method, means, or
214 operation of law. If within 3 years from the date of the
215 conveyance exempt pursuant to this section a subsequent direct
216 or indirect transfer of all or a portion of an interest in the
217 entity or a conveyance of the real property is made, the
218 original conveyance is presumed to have been a precursor to the
219 transfer or conveyance and the tax imposed by this section is
220 due on the subsequent transfer or conveyance of that portion of
221 the real property transferred measured by the fair market value
222 of the portion of the transferred real property at the time of
223 the subsequent transfer or conveyance.

224 (12) The requirements of this section do not apply to any
225 deed, instrument, or other writing which transfers or conveys
226 real property, or an interest therein, other than that portion
227 subject to the tax imposed by paragraph (1) (a), when the
228 transfer or conveyance is by inter vivos gift for purposes of
229 estate planning, or when by reason of the death of any person,
230 such real property, or interests therein, are transferred
231 outright to, or in trust for the benefit of, any person or
232 entity.

233 (13) The documentary stamp tax imposed by this section
234 applies to a deed, instrument, or writing that transfers any
235 interest in real property pursuant to a short sale, as defined
236 in this subsection. The taxable consideration for a short sale
237 transfer does not include unpaid indebtedness that is forgiven
238 or released by a mortgagee holding a mortgage on the grantor's
239 interest in the property. A short sale is a purchase and sale of
240 real property in which:

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

241 (a) The grantor's interest in the real property is
242 encumbered by a mortgage or mortgages securing indebtedness in
243 an aggregate amount greater than the purchase price paid by the
244 grantee;

245 (b) A mortgagee releases the real property from its
246 mortgage in exchange for a partial payment of less than all of
247 the outstanding mortgage indebtedness owing to the releasing
248 mortgagee;

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

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

253 Section 5. The amendments to subsections (1), (11), and
254 (12) of section 201.02, Florida Statutes, made by this act and
255 the provisions of section 3 of this act are intended to be
256 clarifying and remedial in nature, but do not provide a basis
257 for assessments of tax, or refunds of tax, for periods before
258 July 1, 2009.

259 Section 6. Effective upon this act becoming a law, the
260 Department of Revenue is authorized, and all conditions are
261 deemed met, to adopt emergency rules under ss. 120.536(1) and
262 120.54(4), Florida Statutes, to implement s. 201.02(13), Florida
263 Statutes, as created by section 4 of this act, relating to short
264 sales. Notwithstanding any other provision of law, such
265 emergency rules shall remain effective for 6 months after the
266 date of adoption and may be renewed during the pendency of
267 procedures to adopt rules addressing the subject of the
268 emergency rules.

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

269 Section 7. Section 201.031, Florida Statutes, is amended
270 to read:

271 201.031 Discretionary surtax; administration and
272 collection; Housing Assistance Loan Trust Fund; reporting
273 requirements.--

274 (1) Each county, as defined by s. 125.011(1), may levy,
275 subject to the provisions of s. 125.0167, a discretionary surtax
276 on documents taxable under the provisions of s. 201.02, except
277 that there shall be no surtax on any document pursuant to which
278 the interest granted, assigned, transferred, or conveyed
279 involves only a single-family residence. The ~~Such~~ single-family
280 residence may be a condominium unit, a unit held through stock
281 ownership or membership representing a proprietary interest in a
282 corporation owning a fee or a leasehold initially in excess of
283 98 years, or a detached dwelling.

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

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

290 (a) Include in the financial report required under s.
291 218.32 information showing the revenues and the expenses of the
292 trust fund for the fiscal year.

293 (b) Adopt a housing plan every 3 years which includes
294 provisions substantially similar to the plans required in s.
295 420.9075(1).

296 (c) Have adopted an affordable housing element of its

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

297 comprehensive land use plan which complies with s.

298 163.3177(6)(f).

299 (d) Require by resolution that the staff or entity that
300 has administrative authority for implementing the housing plan
301 prepare and submit to the county's governing body an annual
302 report substantially similar to the annual report required in s.
303 420.9075(10).

304 Section 8. Paragraph (a) of subsection (1) of section
305 719.105, Florida Statutes, is amended to read:

306 719.105 Cooperative parcels; appurtenances; possession and
307 enjoyment.--

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

309 (a) Evidence of membership, ownership of shares, or other
310 interest in the association with the full voting rights
311 appertaining thereto. Such evidence must include a legal
312 description of each dwelling unit and must be recorded in the
313 office of the clerk of the circuit court as required by s.

314 201.02(4) s. 201.02(3).

315 Section 9. Pursuant to s. 201.15(1)(a), Florida Statutes,
316 the issuance of \$50 million of Florida Forever bonds is
317 authorized, in addition to any previously authorized bonds. For
318 the 2009-2010 fiscal year, the sum of \$3,502,005 is appropriated
319 from the Land Acquisition Trust Fund to the Department of
320 Environmental Protection for debt service on the new bonds. The
321 proceeds of such bonds shall be distributed in accordance with
322 s. 259.105(3), Florida Statutes. The Department of Environmental
323 Protection and the agencies receiving such bond proceeds are
324 appropriated budget authority necessary to transfer and expend

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

325 the respective amounts of the distributed bond proceeds.

326 Section 10. (1) Pursuant to s. 215.619(1), Florida
327 Statutes, the issuance of \$50 million of Everglades Restoration
328 bonds is authorized, in addition to any previously authorized
329 bonds. For the 2009-2010 fiscal year, the sum of \$4,991,600 is
330 appropriated from the Save Our Everglades Trust Fund to the
331 Department of Environmental Protection for debt service on the
332 new bonds.

333 (2) The sum of \$47 million is appropriated from the Save
334 Our Everglades Trust Fund to the Department of Environmental
335 Protection for the design and construction of Comprehensive
336 Everglades Restoration Plan components, Lake Okeechobee
337 Protection Plan components, and Caloosahatchee and St. Lucie
338 River Watershed Protection Plan components, and for the
339 acquisition of lands needed for these project components. The
340 sum of \$3 million is appropriated from the Save Our Everglades
341 Trust Fund to the Department of Environmental Protection for
342 transfer to the Department of Agriculture and Consumer Services
343 into the General Inspection Trust Fund to fund activities
344 authorized in subsection (3).

345 (3) The sum of \$3 million is appropriated from the General
346 Inspections Trust Fund to the Department of Agriculture and
347 Consumer Services for the purpose of implementing agricultural
348 nonpoint source controls in the Okeechobee, Caloosahatchee, and
349 St. Lucie River watersheds.

350 Section 11. Section 201.15, Florida Statutes, as amended
351 by section 1 of chapter 2009-17, Laws of Florida, is amended to
352 read:

886437

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Amendment No.

353 201.15 Distribution of taxes collected.--All taxes
354 collected under this chapter are subject to the service charge
355 imposed in s. 215.20(1). Prior to distribution under this
356 section, the Department of Revenue shall deduct amounts
357 necessary to pay the costs of the collection and enforcement of
358 the tax levied by this chapter. Such costs and the service
359 charge may not be levied against any portion of taxes pledged to
360 debt service on bonds to the extent that the costs and service
361 charge are required to pay any amounts relating to the bonds.
362 After distributions are made pursuant to subsection (1), all of
363 the costs of the collection and enforcement of the tax levied by
364 this chapter and the service charge shall be available and
365 transferred to the extent necessary to pay debt service and any
366 other amounts payable with respect to bonds authorized before
367 January 1, 2010, secured by revenues distributed pursuant to
368 subsection (1). All taxes remaining after deduction of costs and
369 the service charge shall be distributed as follows:

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

373 (a) Amounts necessary to pay the debt service on, or fund
374 debt service reserve funds, rebate obligations, or other amounts
375 payable with respect to Preservation 2000 bonds issued pursuant
376 to s. 375.051 and Florida Forever bonds issued pursuant to s.
377 215.618, shall be paid into the State Treasury to the credit of
378 the Land Acquisition Trust Fund to be used for such purposes.
379 The amount transferred to the Land Acquisition Trust Fund may
380 not exceed \$300 million in fiscal year 1999-2000 and thereafter

Amendment No.

381 for Preservation 2000 bonds and bonds issued to refund
382 Preservation 2000 bonds, and \$300 million in fiscal year 2000-
383 2001 and thereafter for Florida Forever bonds. The annual amount
384 transferred to the Land Acquisition Trust Fund for Florida
385 Forever bonds may not exceed \$30 million in the first fiscal
386 year in which bonds are issued. The limitation on the amount
387 transferred shall be increased by an additional \$30 million in
388 each subsequent fiscal year, but may not exceed a total of \$300
389 million in any fiscal year for all bonds issued. It is the
390 intent of the Legislature that all bonds issued to fund the
391 Florida Forever Act be retired by December 31, 2040. Except for
392 bonds issued to refund previously issued bonds, no series of
393 bonds may be issued pursuant to this paragraph unless such bonds
394 are approved and the debt service for the remainder of the
395 fiscal year in which the bonds are issued is specifically
396 appropriated in the General Appropriations Act. For purposes of
397 refunding Preservation 2000 bonds, amounts designated within
398 this section for Preservation 2000 and Florida Forever bonds may
399 be transferred between the two programs to the extent provided
400 for in the documents authorizing the issuance of the bonds. The
401 Preservation 2000 bonds and Florida Forever bonds shall be
402 equally and ratably secured by moneys distributable to the Land
403 Acquisition Trust Fund pursuant to this section, except to the
404 extent specifically provided otherwise by the documents
405 authorizing the issuance of the bonds. No moneys transferred to
406 the Land Acquisition Trust Fund pursuant to this paragraph, or
407 earnings thereon, shall be used or made available to pay debt
408 service on the Save Our Coast revenue bonds.

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

409 (b) Moneys shall be paid into the State Treasury to the
410 credit of the Save Our Everglades Trust Fund in amounts
411 necessary to pay debt service, provide reserves, and pay rebate
412 obligations and other amounts due with respect to bonds issued
413 under s. 215.619. Taxes distributed under paragraph (a) and this
414 paragraph must be collectively distributed on a pro rata basis
415 when the available moneys under this subsection are not
416 sufficient to cover the amounts required under paragraph (a) and
417 this paragraph.

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

421 1. The State Transportation Trust Fund in the Department
422 of Transportation in the amount of the lesser of 38.2 percent of
423 the remainder or \$541.75 million in each fiscal year, to be used
424 for the following specified purposes, notwithstanding any other
425 law to the contrary:

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

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

431 c. For the purposes of the Strategic Intermodal System
432 specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent
433 of these funds after allocating for the New Starts Transit
434 Program described in sub-subparagraph a. and the Small County
435 Outreach Program described in sub-subparagraph b.; and

436 d. For the purposes of the Transportation Regional

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

437 Incentive Program specified in s. 339.2819, 25 percent of these
438 funds after allocating for the New Starts Transit Program
439 described in sub-subparagraph a. and the Small County Outreach
440 Program described in sub-subparagraph b.

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

445 3. The Grants and Donations Trust Fund in the Department
446 of Community Affairs in the amount of the lesser of .23 percent
447 of the remainder or \$3.25 million in each fiscal year, with 92
448 percent to be used to fund technical assistance to local
449 governments and school boards on the requirements and
450 implementation of this act and the remaining amount to be used
451 to fund the Century Commission established in s. 163.3247.

452 4. The Ecosystem Management and Restoration Trust Fund in
453 the amount of the lesser of 2.12 percent of the remainder or \$30
454 million in each fiscal year, to be used for the preservation and
455 repair of the state's beaches as provided in ss. 161.091-
456 161.212.

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

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

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

465
466 Moneys distributed pursuant to this paragraph may not be pledged
467 for debt service unless such pledge is approved by referendum of
468 the voters.

469 (d) The remainder of the moneys distributed under this
470 subsection, after the required payments under paragraphs (a),
471 (b), and (c), shall be paid into the State Treasury to the
472 credit of the General Revenue Fund to be used and expended for
473 the purposes for which the General Revenue Fund was created and
474 exists by law.

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

482 (3) (a) Through the 2008-2009 fiscal year, the lesser of
483 1.94 percent of the remaining taxes collected under this chapter
484 or \$26 million in each fiscal year shall be paid into the State
485 Treasury to the credit of the Land Acquisition Trust Fund.

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

490 1. Amounts necessary to pay debt service or to fund debt
491 service reserve funds, rebate obligations, or other amounts
492 payable with respect to bonds issued before February 1, 2009,
886437

Amendment No.

493 pursuant to this subsection shall be paid into the State
494 Treasury to the credit of the Land Acquisition Trust Fund.

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

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

499 (c) Moneys deposited in the Land Acquisition Trust Fund
500 pursuant to this subsection shall be used to acquire coastal
501 lands or to pay debt service on bonds issued to acquire coastal
502 lands and to develop and manage lands acquired with moneys from
503 the trust fund.

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

509 (5) (a) For the 2007-2008 fiscal year, 3.96 percent of the
510 remaining taxes collected under this chapter shall be paid into
511 the State Treasury to the credit of the Conservation and
512 Recreation Lands Trust Fund to carry out the purposes set forth
513 in s. 259.032. Ten and five-hundredths percent of the amount
514 credited to the Conservation and Recreation Lands Trust Fund
515 pursuant to this subsection shall be transferred to the State
516 Game Trust Fund and used for land management activities.

517 (b) Beginning July 1, 2008, 3.52 percent of the remaining
518 taxes collected under this chapter shall be paid into the State
519 Treasury to the credit of the Conservation and Recreation Lands
520 Trust Fund to carry out the purposes set forth in s. 259.032.

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

521 Eleven and fifteen hundredths percent of the amount credited to
522 the Conservation and Recreation Lands Trust Fund pursuant to
523 this subsection shall be transferred to the State Game Trust
524 Fund and used for land management activities.

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

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

535 (8) One-half of one percent of the remaining taxes
536 collected under this chapter shall be paid into the State
537 Treasury and divided equally to the credit of the Department of
538 Environmental Protection Water Quality Assurance Trust Fund to
539 address water quality impacts associated with nonagricultural
540 nonpoint sources and to the credit of the Department of
541 Agriculture and Consumer Services General Inspection Trust Fund
542 to address water quality impacts associated with agricultural
543 nonpoint sources, respectively. These funds shall be used for
544 research, development, demonstration, and implementation of
545 suitable best management practices or other measures used to
546 achieve water quality standards in surface waters and water
547 segments identified pursuant to ss. 303(d) of the Clean Water
548 Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq.

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

549 Implementation of best management practices and other measures
550 may include cost-share grants, technical assistance,
551 implementation tracking, and conservation leases or other
552 agreements for water quality improvement. The Department of
553 Environmental Protection and the Department of Agriculture and
554 Consumer Services may adopt rules governing the distribution of
555 funds for implementation of best management practices. The
556 unobligated balance of funds received from the distribution of
557 taxes collected under this chapter to address water quality
558 impacts associated with nonagricultural nonpoint sources will be
559 excluded when calculating the unobligated balance of the Water
560 Quality Assurance Trust Fund as it relates to the determination
561 of the applicable excise tax rate.

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

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

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

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

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

577 (a) Twelve and one-half percent of that amount shall be
578 deposited into the State Housing Trust Fund and be expended by
579 the Department of Community Affairs and by the Florida Housing
580 Finance Corporation for the purposes for which the State Housing
581 Trust Fund was created and exists by law.

582 (b) Eighty-seven and one-half percent of that amount shall
583 be distributed to the Local Government Housing Trust Fund and
584 shall be used for the purposes for which the Local Government
585 Housing Trust Fund was created and exists by law. Funds from
586 this category may also be used to provide for state and local
587 services to assist the homeless.

588 (11) The distribution of proceeds deposited into the Water
589 Management Lands Trust Fund and the Conservation and Recreation
590 Lands Trust Fund, pursuant to subsections (4) and (5), may not
591 be used for land acquisition but may be used for preacquisition
592 costs associated with land purchases. The Legislature intends
593 that the Florida Forever program supplant the acquisition
594 programs formerly authorized under ss. 259.032 and 373.59.

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

598 (13) Beginning July 1, 2008, in each fiscal year that the
599 remaining taxes collected under this chapter exceed collections
600 in the prior fiscal year, the stated maximum dollar amounts
601 provided in subsections (2), (4), (6), (7), (9), and (10) shall
602 each be increased by an amount equal to 10 percent of the
603 increase in the remaining taxes collected under this chapter
604 multiplied by the applicable percentage provided in those

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

605 subsections.

606 (14) If the payment requirements in any year for bonds
607 outstanding on July 1, 2007, or bonds issued to refund such
608 bonds, exceed the limitations of this section, distributions to
609 the trust fund from which the bond payments are made shall be
610 increased to the lesser of the amount needed to pay bond
611 obligations or the limit of the applicable percentage
612 distribution provided in subsections (1)-(10).

613 (15) Distributions to the State Housing Trust Fund
614 pursuant to subsections (9) and (10) shall be sufficient to
615 cover amounts required to be transferred to the Florida
616 Affordable Housing Guarantee Program's annual debt service
617 reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b)
618 up to but not exceeding the amount required to be transferred to
619 such reserve and fund based on the percentage distribution of
620 documentary stamp tax revenues to the State Housing Trust Fund
621 which is in effect in the 2004-2005 fiscal year.

622 (16) If amounts necessary to pay debt service or any other
623 amounts payable with respect to Preservation 2000 bonds, Florida
624 Forever bonds, or Everglades Restoration bonds authorized before
625 January 1, 2010, exceed the amounts distributable pursuant to
626 subsection (1), all moneys distributable pursuant to this
627 section are available for such obligations and transferred in
628 the amounts necessary to pay such obligations when due. However,
629 amounts distributable pursuant to subsection (2), subsection
630 (3), subsection (4), subsection (5), paragraph (9)(a), or
631 paragraph (10)(a) are not available to pay such obligations to
632 the extent that such moneys are necessary to pay debt service on

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

633 bonds secured by revenues pursuant to those provisions.

634 (17)-(16) The remaining taxes collected under this chapter,
635 after the distributions provided in the preceding subsections,
636 shall be paid into the State Treasury to the credit of the
637 General Revenue Fund.

638 Section 12. Except as otherwise expressly provided in this
639 act and except for this section, which shall take effect upon
640 becoming a law, this act shall take effect July 1, 2009, and
641 section 4 of this act applies to transfers of real property
642 occurring on or after July 1, 2009.

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

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649 Remove the entire title and insert:

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A bill to be entitled

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

652

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

653

date of provisions authorizing counties to levy a discretionary

654

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

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percentage of surtax revenues that may be used for

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administrative costs; specifying a minimum amount of surtax

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

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moderate-income families; requiring an affirmative vote of a

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local government governing body to rehabilitate certain

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government-owned housing; authorizing certain counties to create

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

661 by ordinance a housing choice assistance voucher program for the
662 purpose of down payment assistance; providing definitions;
663 providing eligibility requirements for such vouchers;
664 authorizing purchasing employers to file for allocations for
665 such vouchers; limiting allocations; requiring distribution of
666 allocations to employees in the form of such vouchers;
667 prohibiting use of allocations for such vouchers if not awarded
668 within a certain period after certain documentary stamps taxes
669 are collected; requiring the Office of Program Policy Analysis
670 and Government Accountability to conduct a continuing review of
671 the discretionary surtax program operated by counties; requiring
672 reports to the Legislature; providing legislative intent to
673 reverse a judicial opinion relating to the application of the
674 excise tax on documents to certain transactions involving legal
675 entities; amending s. 201.02, F.S.; creating a presumption for
676 purposes of the excise tax on documents that consideration is
677 given for deeds, instruments, or writings that convey property
678 between certain individuals and entities; creating a presumption
679 of the amount of the consideration; creating an exemption from
680 the tax for certain deeds, instruments, or writings that convey
681 property; creating a presumption that the deed, instrument, or
682 writing was taxable if a subsequent conveyance of the property
683 or grantee entity is made within a certain period of time;
684 specifying the calculation of tax due on the original
685 conveyance; providing that the tax on the original deed,
686 instrument, or writing does not apply if the subsequent
687 conveyance is the result of an inter vivos gift or the death of
688 any person; providing that the tax applies to transfers

886437

Approved For Filing: 4/22/2009 4:58:39 PM

Amendment No.

689 involving the exchange of real property for shares of stock or
690 as a capital contribution; imposing the tax on deeds,
691 instruments, and other writings on the consideration for a
692 transfer of real property pursuant to a short sale; providing
693 that the consideration subject to the tax does not include
694 unpaid indebtedness that is forgiven by a mortgagee; defining
695 the term "short sale"; authorizing the Department of Revenue to
696 adopt emergency rules relating to short sales; amending s.
697 201.031, F.S.; expanding requirements for counties levying the
698 discretionary surtax to include housing plan, affordable housing
699 element, and annual reporting requirements; amending s. 719.105,
700 F.S.; conforming a cross-reference; authorizing the issuance of
701 Florida Forever bonds; providing an appropriation for debt
702 service on such bonds; authorizing the issuance of Everglades
703 Restoration bonds; providing an appropriation for debt service
704 on such bonds; providing an appropriation to the Department of
705 Environmental Protection for the design and construction of
706 certain restoration and protection plans and for the acquisition
707 of lands needed for these project components; providing an
708 appropriation for the purpose of implementing agricultural
709 nonpoint source controls in certain watersheds; amending s.
710 201.15, F.S.; conforming provisions to changes made by the act;
711 providing for application of specified provisions of the act;
712 providing effective dates.

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886437

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Page 26 of 26