

Committee Substitute for Senate Bill No. 1750

An act relating to the disposition of tax revenues; amending s. 201.15, F.S.; authorizing the use of specified proceeds from the excise tax on documents for certain debt service obligations; removing provisions authorizing the distribution of specified amounts of the proceeds from the excise tax on documents to the Water Protection and Sustainability Program Trust Fund within the Department of Environmental Protection and the Marine Resources Conservation Trust Fund within the Fish and Wildlife Conservation Commission; providing for the distribution of a specified amount of the proceeds from the excise tax on documents to the General Revenue Fund; removing an obsolete provision; authorizing the use of proceeds from the excise tax on documents for specified debt service obligations under certain conditions; amending s. 212.20, F.S.; removing provisions authorizing the distribution of specified amounts of the proceeds from the tax on sales, use, and other transactions and the communications services tax to the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection and increasing the distribution to the General Revenue Fund; providing for the disposition of balances in and revenues of the trust fund; prescribing procedures for the termination of the trust fund; amending s. 376.3071, F.S.; authorizing the Inland Protection Financing Corporation to issue bonds; authorizing the Department of Environmental Protection to enter into service contracts in conjunction with the issuance of such bonds; amending s. 376.3075, F.S.; revising provisions relation to the Inland Protection Financing Corporation; deleting the termination date for the corporation; revising the members of the corporation's board of directors; expressly providing that the corporation is authorized to finance the rehabilitation of petroleum contamination sites; revising certain limitations on notes, bonds, or other obligations or evidence of indebtedness issued by the corporation; deleting provisions relating to the submission of a financial plan; increasing the terms of service contracts; deleting a limitation on the amount of such contracts; deleting certain limitations on the payment of existing reimbursement obligations; amending ss. 11.45, 202.18, 218.245, 218.65, and 288.1169, F.S.; conforming cross-references; repealing s. 23 of ch. 2008-150, L.O.F., relating to the Department of Environmental Protection's authority to issue certain Class I landfill permits; terminating the Lake Okeechobee Protection Trust Fund; repealing s. 373.45952, F.S., relating to the Lake Okeechobee Protection Trust Fund; providing an effective date.

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

Section 1. 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 this chapter. Such costs and the service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds. After distributions are made pursuant to subsection (1), all of the costs of the collection and enforcement of the tax levied by this chapter and the service charge shall be available and transferred to the extent necessary to pay debt service and any other amounts payable with respect to bonds authorized before January 1, 2010, secured by revenues distributed pursuant to subsection (1). All taxes remaining after deduction of costs and the service charge shall be distributed as follows:

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

(a) Amounts necessary to pay the debt service on, or fund debt service reserve funds, rebate obligations, or other amounts payable with respect to Preservation 2000 bonds issued pursuant to s. 375.051 and Florida Forever bonds issued pursuant to s. 215.618, shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund to be used for such purposes. The amount transferred to the Land Acquisition Trust Fund may not exceed \$300 million in fiscal year 1999-2000 and thereafter for Preservation 2000 bonds and bonds issued to refund Preservation 2000 bonds, and \$300 million in fiscal year 2000-2001 and thereafter for Florida Forever bonds. The annual amount transferred to the Land Acquisition Trust Fund for Florida Forever bonds may not exceed \$30 million in the first fiscal year in which bonds are issued. The limitation on the amount transferred shall be increased by an additional \$30 million in each subsequent fiscal year, but may not exceed a total of \$300 million in any fiscal year for all bonds issued. It is the intent of the Legislature that all bonds issued to fund the Florida Forever Act be retired by December 31, 2040. Except for bonds issued to refund previously issued bonds, no series of bonds may be issued pursuant to this paragraph unless such bonds are approved and the debt service for the remainder of the fiscal year in which the bonds are issued is specifically appropriated in the General Appropriations Act. For purposes of refunding Preservation 2000 bonds, amounts designated within this section for Preservation 2000 and Florida Forever bonds may be transferred between the two programs to the extent provided for in the documents authorizing the issuance of the bonds. The Preservation 2000 bonds and Florida Forever bonds ~~are shall be~~ equally and ratably secured by moneys distributable to the Land Acquisition Trust Fund pursuant to this section, ~~except as to the extent~~ specifically provided otherwise by the documents authorizing the issuance of the bonds. ~~No~~ Moneys transferred to the Land Acquisition Trust Fund pursuant to this paragraph, or earnings thereon, ~~may not shall~~ be used or made available to pay debt service on the Save Our Coast revenue bonds.

(b) Moneys shall be paid into the State Treasury to the credit of the Save Our Everglades Trust Fund in amounts necessary to pay debt service, provide reserves, and pay rebate obligations and other amounts due with re-

spect to bonds issued under s. 215.619. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

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

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

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

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

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

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

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

~~2.3. The Grants and Donations Trust Fund in the Department of Community Affairs in the amount of the lesser of .23 percent of the remainder or \$3.25 million in each fiscal year, with 92 percent to be used to fund technical assistance to local governments and school boards on the requirements and implementation of this act and the remaining amount to be used to fund the Century Commission established in s. 163.3247.~~

~~3.4. The Ecosystem Management and Restoration Trust Fund in the amount of the lesser of 2.12 percent of the remainder or \$30 million in each fiscal year, to be used for the preservation and repair of the state's beaches as provided in ss. 161.091-161.212.~~

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

~~4.6. General Inspection Trust Fund in the amount of the lesser of .02 percent of the remainder or \$300,000 in each fiscal year to be used to fund oyster management and restoration programs as provided in s. 379.362(3).~~

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

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

~~(2) The lesser of 7.56 percent of the remaining taxes collected under this chapter or \$84.9 million in each fiscal year shall be~~ distributed as follows:

(a) Six million and three hundred thousand dollars shall be paid into the State Treasury to the credit of the General Revenue Fund.

(b) The remainder shall be paid into the State Treasury to the credit of the Land Acquisition Trust Fund. Sums deposited in the fund pursuant to this subsection may be used for any purpose for which funds deposited in the Land Acquisition Trust Fund may lawfully be used.

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

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

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

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

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

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

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

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

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

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

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

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

(8) One-half of one percent of the remaining taxes ~~collected under this chapter~~ shall be paid into the State Treasury and divided equally to the credit of the Department of Environmental Protection Water Quality Assurance Trust Fund to address water quality impacts associated with nonagricultural nonpoint sources and to the credit of the Department of Agriculture and Consumer Services General Inspection Trust Fund to address water quality impacts associated with agricultural nonpoint sources, respectively. These funds shall be used for research, development, demonstration, and implementation of suitable best management practices or other measures used to achieve water quality standards in surface waters and water segments identified pursuant to ss. 303(d) of the Clean Water Act, Pub. L. No. 92-500, 33 U.S.C. ss. 1251 et seq. Implementation of best management practices and other measures may include cost-share grants, technical assistance, implementation tracking, and conservation leases or other agreements for water quality improvement. The Department of Environmental Protection and the Department of Agriculture and Consumer Services may adopt rules governing the distribution of funds for implementation of best management practices. The unobligated balance of funds received from the distribution of taxes collected under this chapter to address water quality impacts associated with nonagricultural nonpoint sources ~~must~~ will be excluded when calculating the unobligated balance of the Water Quality Assurance Trust Fund as it relates to the determination of the applicable excise tax rate.

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

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

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

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

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

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

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

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

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

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

(15) Distributions to the State Housing Trust Fund pursuant to subsections (9) and (10) must ~~shall~~ be sufficient to cover amounts required to be transferred to the Florida Affordable Housing Guarantee Program's annual debt service reserve and guarantee fund pursuant to s. 420.5092(6)(a) and (b) up to ~~but not exceeding~~ the amount required to be transferred to such reserve and fund based on the percentage distribution of documentary

stamp tax revenues to the State Housing Trust Fund which is in effect in the 2004-2005 fiscal year.

(16) If amounts necessary to pay debt service or any other amounts payable with respect to Preservation 2000 bonds, Florida Forever bonds, or Everglades Restoration bonds authorized before January 1, 2010, exceed the amounts distributable pursuant to subsection (1), all moneys distributable pursuant to this section are available for such obligations and transferred in the amounts necessary to pay such obligations when due. However, amounts distributable pursuant to subsection (2), subsection (3), subsection (4), subsection (5), paragraph (9)(a), or paragraph (10)(a) are not available to pay such obligations to the extent that such moneys are necessary to pay debt service on bonds secured by revenues pursuant to those provisions.

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

Section 2. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and s. 202.18(1)(b) and (2)(b) shall be as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or ~~5.2~~ 5 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

~~2. Two-tenths of one percent shall be transferred to the Ecosystem Management and Restoration Trust Fund to be used for water quality improvement and water restoration projects.~~

2.3. After the distribution under subparagraph ~~subparagraphs~~ 1. and 2., 8.814 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred pursuant to this subparagraph to the ~~Local Government Half-cent Sales Tax Clearing Trust Fund~~ shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph ~~3.~~ 4. and distributed accordingly.

~~3.4.~~ After the distribution under subparagraphs 1. ~~and 2., and 3.,~~ 0.095 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

~~4.5.~~ After the distributions under subparagraphs 1., 2., and 3., and 4., 2.0440 percent of the available proceeds ~~pursuant to this paragraph~~ shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

~~5.6.~~ After the distributions under subparagraphs 1., 2., and 3., and 4., 1.3409 percent of the available proceeds ~~pursuant to this paragraph~~ shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

~~6.7.~~ Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must shall begin each fiscal year on or before January 5th and shall continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must shall continue until ~~such time that~~ the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before prior to July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the distribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before prior to July 1, 2000.

b. The department shall distribute \$166,667 monthly pursuant to s. 288.1162 to each applicant that has been certified as a "facility for a new professional sports franchise" or a "facility for a retained professional sports franchise" pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each applicant that has been certified as a "facility for a retained spring training franchise" pursuant to s. 288.1162;

however, not more than \$416,670 may be distributed monthly in the aggregate to all certified facilities for a retained spring training franchise. Distributions ~~must shall~~ begin 60 days following such certification and shall continue for not more than 30 years. ~~Nothing contained in~~ This paragraph ~~may not shall~~ be construed to allow an applicant certified pursuant to s. 288.1162 to receive more in distributions than actually expended by the applicant for the public purposes provided for in s. 288.1162(6).

c. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.

d. Beginning 30 days after notice by the Office of Tourism, Trade, and Economic Development to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be made, after certification and before July 1, 2000.

7.8. All other proceeds ~~must shall~~ remain ~~in with~~ the General Revenue Fund.

Section 3. Paragraph (a) of subsections (1) and subsection (14) of section 376.3071, Florida Statutes, are amended to read:

376.3071 Inland Protection Trust Fund; creation; purposes; funding.—

(1) FINDINGS.—In addition to the legislative findings set forth in s. 376.30, the Legislature finds and declares:

(a) That significant quantities of petroleum and petroleum products are being stored in ~~underground~~ storage systems in this state, which ~~storage~~ is a hazardous undertaking.

(14) LEGISLATIVE APPROVAL AND AUTHORIZATION.—Prior to the department entering into a service contract with the Inland Protection Financing Corporation which includes payments by the department to support any existing or planned note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness of the corporation pursuant to s. 376.3075, the Legislature, by law, must specifically ~~approve the cleanup project to be financed and must~~ authorize the department to enter into such a contract. The corporation may issue bonds in an amount not to exceed \$104 million, with a term up to 15 years, and annual payments not in excess of \$10.4 million. The department may enter into a service contract in conjunction with the issuance of such bonds which provides for annual payments for debt service payments or other amounts payable with respect to bonds, plus any administrative expenses of the corporation to finance the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317.

Section 4. Section 376.3075, Florida Statutes, is amended to read:

376.3075 Inland Protection Financing Corporation.—

(1) There is hereby created a nonprofit public benefit corporation to be known as the “Inland Protection Financing Corporation” for the purpose of financing the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317 and the payment, purchase, and settlement of reimbursement obligations of the department pursuant to s. 376.3071(12), existing as of December 31, 1996. ~~Such reimbursement obligations are referred to in this section as existing reimbursement obligations. The corporation shall terminate on July 1, 2025.~~

(2) The corporation shall be governed by a board of directors consisting of the Governor or the Governor’s designee, the Chief Financial Officer or the Chief Financial Officer’s designee, the Attorney General or the Attorney General’s designee ~~the chair of the Florida Black Business Investment Board~~, and the Secretary of the Department of Environmental Protection. The executive director of the State Board of Administration shall be the chief executive officer of the corporation and shall direct and supervise the administrative affairs of the corporation and shall control, direct, and supervise the operation of the corporation. The corporation shall also have such other officers as may be determined by the board of directors.

(3) The corporation shall have all the powers of a corporate body under the laws of the state to the extent not inconsistent with or restricted by the provisions of this section, including, but not limited to, the power to:

- (a) Adopt, amend, and repeal bylaws not inconsistent with this section.
- (b) Sue and be sued.
- (c) Adopt and use a common seal.

(d) Acquire, purchase, hold, lease, and convey such real and personal property as may be proper or expedient to carry out the purposes of the corporation and this section, and to sell, lease, or otherwise dispose of such property.

(e) Elect or appoint and employ such officers, agents, and employees as the corporation deems advisable to operate and manage the affairs of the corporation, which officers, agents, and employees may be officers or employees of the department and the state agencies represented on the board of directors of the corporation.

~~(f)1. Borrow money and issue notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness necessary to finance the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317 pay the backlog or to reimburse moneys from the Inland Protection Trust Fund used pursuant to subsection (6) and to pay for large-scale clean-ups, such as ports, airports, and terminal facilities, which are eligible for state funding.~~

~~2. No action shall be taken pursuant to this paragraph, consistent with subsection (5), or to s. 376.3071(14) prior to the Inland Protection Financing Corporation submitting a detailed financing plan to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The plan must address the need for action to be taken pursuant to this paragraph to protect the health, safety, and welfare of the people of the state; the ability of the corporation to limit the impact on the Inland Protection Trust Fund of all outstanding notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness to less than \$10 million in any state fiscal year; and the ability of the corporation to limit its total outstanding debt to no more than \$100 million.~~

(g) Make and execute any and all contracts, trust agreements, and other instruments and agreements necessary or convenient to accomplish the purposes of the corporation and this section.

(h) Select, retain, and employ professionals, contractors, or agents, which may include the Florida State Board of Administration's Division of Bond Finance, as ~~shall be~~ necessary or convenient to enable or assist the corporation in carrying out the purposes of the corporation and this section.

(i) Do any act or thing necessary or convenient to carry out the purposes of the corporation and this section and the powers provided in this section.

(4) ~~The corporation may be authorized to enter into one or more service contracts with the department pursuant to which the corporation shall provide services to the department in connection with financing the functions and activities provided for in ss. 376.30-376.317. The department may enter into one or more such service contracts with the corporation and to provide for payments under such contracts pursuant to s. 376.3071(4)(o), subject to annual appropriation by the Legislature. The proceeds from such service contracts may be used for the corporation's administrative costs and expenses of administration of the corporation after payments as set forth in subsection (5). Each service contract may have a term of up to 20 years shall have a term not to exceed 10 years and shall terminate no later than July 1, 2025. The aggregate amount payable from the Inland Protection Trust Fund under all such service contracts shall not exceed \$65 million in any state fiscal year. Amounts annually appropriated and applied to make payments under such service contracts may shall not include any funds derived from penalties or other payments received from any property owner or private party, including payments received under from s. 376.3071(6)(b). In compliance with provisions of s. 287.0641 and other applicable provisions of law, the obligations of the department under such service contracts do shall not constitute a general obligation of the state or a pledge of the faith and credit or taxing power of the state nor may shall such obligations be construed in any manner as an obligation of the State Board of Administration or entities for which it invests funds, other than the department as provided in this section, but are shall be payable solely from amounts available in the Inland Protection Trust Fund, subject to annual appropriation. In compliance with this subsection and s. 287.0582, the service contract must shall expressly include the following statement: "The State of Florida's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature."~~

(5) The corporation may issue and incur notes, bonds, certificates of indebtedness, or other obligations or evidences of indebtedness payable from and secured by amounts payable to the corporation by the department under a service contract entered into pursuant to subsection (4) for the purpose of financing the rehabilitation of petroleum contamination sites pursuant to ss. 376.30-376.317 ~~paying, purchasing, or settling existing reimbursement obligations.~~ The term of any such note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness may ~~shall~~ not have a financing term that exceeds 15 ~~6~~ years, ~~nor shall the total payments for principal and interest on any such note, bond, certificate of indebtedness, or other obligation or evidence of indebtedness exceed the original amount of approved reimbursement claims to be paid, purchased, or settled by the corporation by more than \$50 million.~~ The corporation may select its financing team and issue its obligations through competitive bidding or negotiated contracts, whichever is most cost-effective. Any ~~such~~ indebtedness of the corporation ~~does~~ shall not constitute a debt or obligation of the state or a pledge of the faith and credit or taxing power of the state, but is ~~shall~~ be payable from and secured by payments made by the department under the service contract pursuant to s. 376.3071(4)(o).

(6) ~~Upon the issuance of debt obligations by the corporation pursuant to subsection (5) for the payment, purchase, or settlement of existing reimbursement obligations, amounts on deposit in the Inland Protection Trust Fund shall not be available for the payment, purchase, or settlement of existing reimbursement obligations to the extent proceeds of such debt obligations are available for the payment of such existing reimbursement obligations. If, after the initial issuance of debt obligations pursuant to subsection (5), amounts on deposit in the Inland Protection Trust Fund are used to pay existing reimbursement obligations, the corporation shall reimburse the Inland Protection Trust Fund for such payments from available proceeds of debt obligations issued pursuant to subsection (5). Payment, purchase, or settlement by the corporation of existing reimbursement obligations otherwise payable pursuant to s. 376.3071(12) shall satisfy the obligation of the department to make such payments. Any such existing reimbursement obligations purchased by the corporation shall be satisfied and extinguished upon purchase by the corporation.~~

(7) ~~The corporation shall pay, purchase, or settle existing reimbursement obligations as determined by the department. The department shall implement the repayment priorities and method and amount of payments pursuant to s. 376.3071(12). However, any claims for reimbursement pursuant to s. 376.3071(12) that the corporation is unable to pay because of the limitations contained in subsection (5) shall be paid by the department from the receipts of the Inland Protection Trust Fund.~~

(6)(8) The fulfillment of the purposes of the corporation promotes the health, safety, and general welfare of the people of the state and serves as essential governmental functions and a paramount public purpose.

(7)(9) The corporation is exempt from taxation and assessments of any nature ~~whatsoever~~ upon its income and any property, assets, or revenues acquired, received, or used in the furtherance of the purposes provided in

this chapter. The obligations of the corporation incurred pursuant to subsection (5) and the interest and income thereon and all security agreements, letters of credit, liquidity facilities, or other obligations or instruments arising out of, entered into in connection therewith, or given to secure payment thereof are exempt from all taxation, provided such exemption does not apply to any tax imposed by chapter 220 on the interest, income, or profits on debt obligations owned by corporations.

~~(8)(10)~~ The corporation may ~~shall~~ validate obligations to be incurred pursuant to subsection (5) and the validity and enforceability of any service contracts providing for payments pledged to the payment thereof by proceedings under chapter 75. The validation complaint shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 ~~must shall~~ be published in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney for the Second Judicial Circuit. Sections 75.04(2) and 75.06(2) ~~do shall~~ not apply to a complaint for validation filed under as authorized in this subsection. ~~The validation of at least the first obligations incurred pursuant to subsection (5) shall be appealed to the Supreme Court, to be handled on an expedited basis.~~

~~(9)(11)~~ The corporation is ~~shall not be deemed to be~~ a special district for the purposes of chapter 189 or a unit of local government for the purposes of part III of chapter 218. The provisions of chapters 120 and 215, except the limitation on interest rates provided by s. 215.84 which applies to obligations of the corporation issued pursuant to this section, and part I of chapter 287, except ss. 287.0582 and 287.0641, ~~do shall~~ not apply to this section, the corporation ~~created hereby~~, the service contracts entered into pursuant to this section, or ~~to~~ debt obligations issued by the corporation as contemplated in this section.

~~(10)(12)~~ ~~In no event shall any of~~ The benefits or earnings of the corporation may not inure to the benefit of any private person.

~~(11)(13)~~ Upon dissolution of the corporation, title to all property owned by the corporation shall revert to the state.

~~(12)(14)~~ The corporation may contract with the State Board of Administration to serve as trustee with respect to debt obligations issued by the corporation as contemplated by this section and to hold, administer, and invest proceeds of such debt obligations and other funds of the corporation and to perform other services required by the corporation. ~~The state board of Administration~~ may perform such services and may contract with others to provide all or a part of such services and to recover its and such other costs and expenses thereof.

Section 5. Paragraph (a) of subsection (5) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(5) PETITION FOR AN AUDIT BY THE AUDITOR GENERAL.—

(a) The Legislative Auditing Committee shall direct the Auditor General to make an audit of any municipality whenever petitioned to do so by at least

20 percent of the registered electors in the last general election of that municipality pursuant to this subsection. The supervisor of elections of the county in which the municipality is located shall certify whether or not the petition contains the signatures of at least 20 percent of the registered electors of the municipality. After the completion of the audit, the Auditor General shall determine whether the municipality has the fiscal resources necessary to pay the cost of the audit. The municipality shall pay the cost of the audit within 90 days after the Auditor General's determination that the municipality has the available resources. If the municipality fails to pay the cost of the audit, the Department of Revenue shall, upon certification of the Auditor General, withhold from that portion of the distribution pursuant to s. 212.20(6)(d)5. ~~s. 212.20(6)(d)6.~~ which is distributable to such municipality, a sum sufficient to pay the cost of the audit and shall deposit that sum into the General Revenue Fund of the state.

Section 6. Paragraph (b) of subsection (2) of section 202.18, Florida Statutes, is amended to read:

202.18 Allocation and disposition of tax proceeds.—The proceeds of the communications services taxes remitted under this chapter shall be treated as follows:

(2) The proceeds of the taxes remitted under s. 202.12(1)(b) shall be divided as follows:

(b) Sixty-three percent of the remainder shall be allocated to the state and distributed pursuant to s. 212.20(6), except that the proceeds allocated pursuant to s. 212.20(6)(d)2. ~~s. 212.20(6)(d)3.~~ shall be prorated to the participating counties in the same proportion as that month's collection of the taxes and fees imposed pursuant to chapter 212 and paragraph (1)(b).

Section 7. Subsection (3) of section 218.245, Florida Statutes, is amended to read:

218.245 Revenue sharing; apportionment.—

(3) Revenues attributed to the increase in distribution to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 212.20(6)(d)5. ~~s. 212.20(6)(d)6.~~ from 1.0715 percent to 1.3409 percent provided in chapter 2003-402, Laws of Florida, shall be distributed to each eligible municipality and any unit of local government that ~~which~~ is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as preserved by s. 6(e), Art. VIII, 1968 revised constitution, as follows: each eligible local government's allocation shall be based on the amount it received from the half-cent sales tax under s. 218.61 in the prior state fiscal year divided by the total receipts under s. 218.61 in the prior state fiscal year for all eligible local governments; ~~provided,~~ However, for the purpose of calculating this distribution, the amount received from the half-cent sales tax under s. 218.61 in the prior state fiscal year by a unit of local government which is consolidated as provided by s. 9, Art. VIII of the State Constitution of 1885, as amended, and as preserved by s. 6(e), Art. VIII, of the Constitution as revised in 1968, shall be reduced by 50 percent for such local government and for the total receipts.

For eligible municipalities that began participating in the allocation of half-cent sales tax under s. 218.61 in the previous state fiscal year, their annual receipts shall be calculated by dividing their actual receipts by the number of months they participated, and the result multiplied by 12.

Section 8. Subsections (5), (6), and (7) of section 218.65, Florida Statutes, are amended to read:

218.65 Emergency distribution.—

(5) At the beginning of each fiscal year, the Department of Revenue shall calculate a base allocation for each eligible county equal to the difference between the current per capita limitation times the county's population, minus prior year ordinary distributions to the county pursuant to ss. 212.20(6)(d)2. ~~212.20(6)(d)3.,~~ 218.61, and 218.62. If moneys deposited into the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)3. ~~s. 212.20(6)(d)4.,~~ excluding moneys appropriated for supplemental distributions pursuant to subsection (8), for the current year are less than or equal to the sum of the base allocations, each eligible county shall receive a share of the appropriated amount proportional to its base allocation. If the deposited amount exceeds the sum of the base allocations, each county shall receive its base allocation, and the excess appropriated amount, less any amounts distributed under subsection (6), shall be distributed equally on a per capita basis among the eligible counties.

(6) If moneys deposited in the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20(6)(d)3. ~~s. 212.20(6)(d)4.~~ exceed the amount necessary to provide the base allocation to each eligible county, the moneys in the trust fund may be used to provide a transitional distribution, as specified in this subsection, to certain counties whose population has increased. The transitional distribution shall be made available to each county that qualified for a distribution under subsection (2) in the prior year but does not, because of the requirements of paragraph (2)(a), qualify for a distribution in the current year. Beginning on July 1 of the year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive two-thirds of the amount received in the prior year, and beginning July 1 of the second year following the year in which the county no longer qualifies for a distribution under subsection (2), the county shall receive one-third of the amount it received in the last year it qualified for the distribution under subsection (2). If insufficient moneys are available in the Local Government Half-cent Sales Tax Clearing Trust Fund to fully provide such a transitional distribution to each county that meets the eligibility criteria in this section, each eligible county shall receive a share of the available moneys proportional to the amount it would have received had moneys been sufficient to fully provide such a transitional distribution to each eligible county.

(7) There is hereby annually appropriated from the Local Government Half-cent Sales Tax Clearing Trust Fund the distribution provided in s. 212.20(6)(d)3. ~~s. 212.20(6)(d)4.~~ to be used for emergency and supplemental distributions pursuant to this section.

Section 9. Subsection (6) of section 288.1169, Florida Statutes, is amended to read:

288.1169 International Game Fish Association World Center facility.—

(6) The Department of Commerce must recertify every 10 years that the facility is open, that the International Game Fish Association World Center continues to be the only international administrative headquarters, fishing museum, and Hall of Fame in the United States recognized by the International Game Fish Association, and that the project is meeting the minimum projections for attendance or sales tax revenues as required at the time of original certification. If the facility is not recertified during this 10-year review as meeting the minimum projections, then funding shall ~~will~~ be abated until certification criteria are met. If the project fails to generate \$1 million of annual revenues pursuant to paragraph (2)(e), the distribution of revenues pursuant to ~~s. 212.02(6)(d)6.d. s. 212.20(6)(d)7.d.~~ shall be reduced to an amount equal to \$83,333 multiplied by a fraction, the numerator of which is the actual revenues generated and the denominator of which is \$1 million. Such reduction remains ~~shall remain~~ in effect until revenues generated by the project in a 12-month period equal or exceed \$1 million.

Section 10. Section 23 of chapter 2008-150, Laws of Florida, is repealed.

Section 11. (1) The Lake Okeechobee Protection Trust Fund within the Department of Environmental Protection, FLAIR number 37-2-890, is terminated.

(2) All current balances remaining in and all revenues of, the trust fund shall be transferred to the General Revenue Fund.

(3) The Department of Environmental Protection shall pay any outstanding debts and obligations of the terminated fund as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated fund from the various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

Section 12. Section 373.45952, Florida Statutes, is repealed.

Section 13. This act shall take effect July 1, 2009.

Approved by the Governor May 27, 2009.

Filed in Office Secretary of State May 27, 2009.