

CHAPTER 98-114

Committee Substitute for Senate Bill No. 1088

An act relating to agriculture emergencies; amending s. 206.606, F.S.; distributing fuel sales tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; amending s. 206.608, F.S.; distributing State Comprehensive Enhanced Transportation System Tax deposited in the Fuel Tax Collection Trust Fund to the Agricultural Emergency Eradication Trust Fund; creating s. 206.609, F.S.; providing restrictions on the transfer of moneys to the Agricultural Emergency Eradication Trust Fund; requiring the Commissioner of Agriculture to give notice concerning the use of trust fund moneys; providing appropriations; providing a contingent effective date.

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

Section 1. Notwithstanding any other legislation passed and either signed by the Governor or allowed to become law without signature to the contrary, the Legislature intends that this bill be its full and total intent, regardless of when it is presented to the Secretary of State.

Section 2. Paragraph (d) is added to subsection (1) of section 206.606, Florida Statutes, to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund created by s. 206.875. Such moneys, exclusive of the service charges imposed by s. 215.20, and exclusive of refunds granted pursuant to s. 206.41, shall be distributed monthly to the State Transportation Trust Fund, except that:

(d) 0.65 percent of moneys collected pursuant to s. 206.41(1)(g) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

Section 3. Effective July 1, 1999, paragraph (d) is added to subsection (1) of section 206.606, Florida Statutes, as amended by chapter 96-321, Laws of Florida, to read:

206.606 Distribution of certain proceeds.—

(1) Moneys collected pursuant to ss. 206.41(1)(g) and 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust Fund. Such moneys, after deducting the service charges imposed by s. 215.20, the refunds granted pursuant to s. 206.41, and the administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed monthly to the State Transportation Trust Fund, except that:

(d) 0.65 percent of moneys collected pursuant to s. 206.41(1)(g) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

Section 4. Section 206.608, Florida Statutes, is amended to read:

206.608 State Comprehensive Enhanced Transportation System Tax.—Moneys received pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the Fuel Tax Collection Trust Fund, and, after deducting the service charge pursuant to chapter 215, shall be distributed as follows:

(1) 0.65 percent of the proceeds of the tax levied pursuant to s. 206.41(1)(f) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

(2) The remaining proceeds of the tax levied pursuant to s. 206.41(1)(f) and all of the proceeds from the tax imposed by s. 206.87(1)(d) shall be then transferred into the State Transportation Trust Fund, and may be used only for projects in the adopted work program in the district in which the tax proceeds are collected and, to the maximum extent feasible, such moneys shall be programmed for use in the county where collected. However, no revenue from the taxes imposed pursuant to ss. 206.41(1)(f) and 206.87(1)(d) in a county shall be expended unless the projects funded with such revenues have been included in the work program adopted pursuant to s. 339.135.

Section 5. Effective July 1, 1999, section 206.608, Florida Statutes, as amended by chapter 96-323, Laws of Florida, is amended to read:

206.608 State Comprehensive Enhanced Transportation System Tax.—Moneys received pursuant to ss. 206.41(1)(f) and 206.87(1)(d) shall be deposited in the Fuel Tax Collection Trust Fund, and, after deducting the service charge imposed in chapter 215 and administrative costs incurred by the department in collecting, administering, enforcing, and distributing the tax, which administrative costs may not exceed 2 percent of collections, shall be distributed as follows:

(1) 0.65 percent of the proceeds of the tax levied pursuant to s. 206.41(1)(f) shall be transferred to the Agricultural Emergency Eradication Trust Fund.

(2) The remaining proceeds of the tax levied pursuant to s. 206.41(1)(f) and all of the proceeds from the tax imposed by s. 206.87(1)(d) shall then be transferred into the State Transportation Trust Fund, and may be used only for projects in the adopted work program in the district in which the tax proceeds are collected and, to the maximum extent feasible, such moneys shall be programmed for use in the county where collected. However, no revenue from the taxes imposed pursuant to ss. 206.41(1)(f) and 206.87(1)(d) in a county shall be expended unless the projects funded with such revenues have been included in the work program adopted pursuant to s. 339.135.

Section 6. Section 206.609, Florida Statutes, is created to read:

206.609 Transfer of funds to the Agricultural Emergency Eradication Trust Fund.—Moneys transferred to the Agricultural Emergency Eradication Trust Fund pursuant to ss. 206.606 and 206.608 are subject to the following provisions:

(1) If the unobligated balance of the Agricultural Emergency Eradication Trust Fund exceeds \$20 million, the transfers provided for in ss. 206.606(1)(d) and 206.608(1) shall be discontinued until the unobligated balance of the trust fund falls below \$10 million, at which time such transfers shall be reinstated to return the balance to \$20 million.

(2) A change in transfers pursuant to this section shall take effect on the first day of the month after 30 days' notification to the Department of Revenue by the Department of Agriculture and Consumer Services when the unobligated balance of the trust fund exceeds or falls below a limit set pursuant to this section.

(3)(a) Any refunds of the tax imposed under s. 206.41(1)(f) claimed under s. 206.41(4)(c)1. in excess of such refunds claimed during the fiscal year preceding the effective date of this act shall be deducted from the amount transferred pursuant to s. 206.608(1), during the year the claims are made, to the Agricultural Emergency Eradication Trust Fund.

(b) Any refunds of the tax imposed under s. 206.41(1)(g) claimed under s. 206.41(4)(c)1. in excess of such refunds claimed during the fiscal year preceding the effective date of this act shall be deducted from the amount transferred pursuant to s. 206.606(1)(d), during the year the claims are made, to the Agricultural Emergency Eradication Trust Fund.

Section 7. Whenever the Commissioner of Agriculture certifies that an agricultural emergency exists for which funds from the Agricultural Emergency Eradication Trust Fund will be used, the commissioner must notify the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 8. There is hereby appropriated from the General Revenue Fund to the Agricultural Emergency Eradication Trust Fund of the Department of Agriculture and Consumer Services the sum of \$1,000,000 for fiscal year 1998-1999. In fiscal year 1999-2000 and each year thereafter, there shall be appropriated from the General Revenue Fund to the Agricultural Emergency Eradication Trust Fund an amount equal to the previous year's transfers into the trust fund from sections 206.606 and 206.608, Florida Statutes.

Section 9. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1998, but it shall not take effect unless SB 1010 or similar legislation creating the Agricultural Emergency Eradication Trust Fund is adopted in the same legislative session or an extension thereof.

Became a law without the Governor's approval May 22, 1998.

Filed in Office Secretary of State May 21, 1998.