

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB TED 10-05 Trust Funds/Florida Forever Program Trust Fund/DCA
SPONSOR(S): Transportation & Economic Development Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

| | REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|--------------|--|---------------|----------------|-----------------------|
| Orig. Comm.: | Transportation & Economic Development Appropriations Committee | 14 Y, 0 N | Fennell | Creamer |
| 1) | _____ | _____ | _____ | _____ |
| 2) | _____ | _____ | _____ | _____ |
| 3) | _____ | _____ | _____ | _____ |
| 4) | _____ | _____ | _____ | _____ |
| 5) | _____ | _____ | _____ | _____ |

SUMMARY ANALYSIS

This legislation re-creates the Florida Forever Program Trust Fund, FLAIR number 52-2-349, within the Department of Community Affairs. This trust fund serves as a depository of Florida Forever bond proceeds transferred from the Department of Environmental Protection.

The bill changes the trust fund's termination date to July 1, 2014.

This bill has an effective date of July 1, 2010; however, it does not take effect without a three-fifths vote of the membership or each house of the Legislature.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation:

Article III, Section 19(f) of the Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless exempt by the Constitution or operation of law. The Florida Forever Trust Fund at the Department of Community Affairs terminated on July 1, 2004. The Florida Forever Trust Fund consists of funds collected from proceeds of Florida Forever bond sales transferred from the Department of Environmental Protection.

There were no 2009-2010 appropriations from this fund, since the state did not issue any Florida Forever bonds.

Article III, section 19(f)(1), of the Florida Constitution, provides no trust fund of the state or other public body may be created without three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

Potential Changes:

The Florida Forever Trust Fund at the Department of Community Affairs, FLAIR number 52-2-349, will be re-created effective July 1, 2010.

B. SECTION DIRECTORY:

- Section 1 re-creates the Florida Forever Trust Fund at the Department of Community Affairs.
- Section 2 amends s. 380.5115(3), changing the termination date of the trust fund to July 1, 2014.
- Section 3 provides an effective date of July 1, 2010; however, requires a three-fifths vote of both houses of the Legislature to become effective.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

Article III, section 19(f)(1), of the Florida Constitution, provides no trust fund of the state or other public body may be created without three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES