

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB NRAC 09-01 Water Protection and Sustainability Program Trust Fund
SPONSOR(S): Natural Resources Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Natural Resources Appropriations Committee		Smith	Lachat
1)				
2)				
3)				
4)				
5)				

I. SUMMARY

Section 19(f), Article III of the Florida Constitution governs the creation of trust funds. It provides that no trust fund of the state or other public body may be created without a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only. The Florida Constitution also specifies that state trust funds shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund, unless the Legislature by law sets forth a shorter time period.

The Water Protection and Sustainability Program Trust Fund within the Florida Department of Environmental Protection will terminate on July 1, 2009. This bill re-creates the Water Protection and Sustainability Program Trust Fund within the Florida Department of Environmental Protection without modification, and repeals the provisions that would have terminated the trust fund.

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 403.891, Florida Statutes

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

The trust fund serves as a repository of revenues to support appropriations for alternative water supply, the total maximum daily load program, and the Disadvantaged Small Community Wastewater Grant Program and to implement the provisions of the Water Sustainability and Protection Program created in s. 403.890, F.S.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

The Water Protection and Sustainability Program Trust Fund receives revenues from the documentary stamp tax as authorized in s. 201.15(1)(d)2, F.S. The trust fund also consists of funds from other sources provided for in law and the General Appropriations Act, and funds received by the department.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

In Fiscal Year 2008-09, the Legislature appropriated \$17.7 million from the Water Protection and Sustainability Program Trust Fund for the Department of Environmental Protection based on anticipated revenue receipts.

B. EFFECT OF PROPOSED CHANGES:

The bill re-creates the trust fund without modification.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES