

STORAGE NAME: h1653.ag.doc
DATE: February 11, 2002

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
AGRICULTURE & CONSUMER AFFAIRS
ANALYSIS**

BILL #: HB 1653
RELATING TO: Trust Fund/Florida Keys & Key West
SPONSOR(S): Representative(s) Sorensen
TIED BILL(S): HB 1651

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) AGRICULTURE & CONSUMER AFFAIRS (CCC)
 - (2) COUNCIL FOR SMARTER GOVERNMENT
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 1653 creates the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund (trust fund) to be administered by the Department of Community Affairs. The purpose of the trust fund is to fund wastewater and stormwater management construction projects in the Florida Keys and Key West Areas of Critical State Concern pursuant to s. 201.15(8), F.S.

The trust fund is funded from excise tax on documents as provided in s. 201.15(8), F.S., and with funds from state and federal grants. At the end of any fiscal year, any balance remaining in the trust fund shall be available for carrying out the fund's purpose. Unless terminated sooner, the trust fund will terminate on July 1, 2006. Prior to its termination, the fund shall be reviewed as provided in s. 215.3206, F.S.

This bill takes effect on July 1, 2002, and must be enacted by a three-fifths vote of the membership of each House.

Because the purpose of HB 1653 is to simply create the trust fund, there is no fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Pursuant to Article III, Section 19(f), Florida Constitution, no trust fund of the State of Florida or any public body may be created by law without a three-fifths vote of the membership of each house of the Legislature. Additionally, the bill creating the trust fund must be separate from any related substantive bill. HB 1653 is tied to HB 1651 relating to excise tax on documents.

C. EFFECT OF PROPOSED CHANGES:

HB 1653 creates the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund (trust fund). The bill is tied to adoption of HB 1651 providing for the transfer of excise tax on documents. The trust fund is a repository and distribution point for funds specified in HB 1651.

D. SECTION-BY-SECTION ANALYSIS:

Please see Section C., Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see Fiscal Comments section.

2. Expenditures:

Please see Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see Fiscal Comments section.

2. Expenditures:

Please see Fiscal Comments section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see Fiscal Comments section.

D. FISCAL COMMENTS:

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. The bill simply creates the Florida Keys and Key West Areas of Critical State Concern Wastewater and Stormwater Trust Fund.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS:

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