

**STORAGE NAME:** h1653.sgc.doc  
**DATE:** February 18, 2002

**HOUSE OF REPRESENTATIVES  
COUNCIL FOR SMARTER GOVERNMENT  
ANALYSIS**

**BILL #:** CS/HB 1653  
**RELATING TO:** Trust Fund/Florida Keys & Key West  
**SPONSOR(S):** Council for Smarter Government and Representative(s) Sorensen  
**TIED BILL(S):** HB 1651

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

- (1) AGRICULTURE & CONSUMER AFFAIRS (CCC) YEAS 6 NAYS 0
  - (2) COUNCIL FOR SMARTER GOVERNMENT YEAS 11 NAYS 0
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

CS/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 .

The trust fund is credited with state appropriations made by law, 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.

The bill also provides criteria relating to the administration of the funds by the Department of Community Affairs, and it gives the Department rule-making authority for administering the provisions of the trust.

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.

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). It provides criteria relating to the administration of funds by the Department of Community Affairs, as well as giving the Department rule making authority for administering the provisions of the trust.

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:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VII. SIGNATURES:

COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS:

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