

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

BILL: SB 1130

INTRODUCER: Senator Powell

SUBJECT: Land Acquisition Trust Fund within the Department of State

DATE: January 22, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Favorable
2.	Wells	Hrdlicka	ATD	Recommend: Favorable
3.			AP	

I. Summary:

SB 1130 re-creates, without modification, the Land Acquisition Trust Fund within the Department of State and repeals the scheduled termination of the trust fund. The bill has no impact on state or local funds.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the State Constitution requires the termination of a trust fund within four years of the effective date of the act authorizing the initial creation of the trust fund, unless the trust fund is specifically exempted by the constitution.

Land Acquisition Trust Fund within the Department of State

In 2014, Florida voters approved "Amendment One," a constitutional amendment to provide a dedicated funding source for water and land conservation and restoration. The amendment requires that starting on July 1, 2015, and for 20 years thereafter, 33 percent of net revenues derived from documentary stamp taxes be deposited into the Land Acquisition Trust Fund.

To implement Art. X, s. 28 of the State Constitution, the Legislature passed ch. 2015-229, Laws of Florida. This act, in part, amended the following sections of law:

- Section 201.15, F.S., to conform to the constitutional requirement that the Land Acquisition Trust Fund receive at least 33 percent of net revenues derived from documentary stamp taxes.
- Section 375.041, F.S., to designate the Land Acquisition Trust Fund within the Department of Environmental Protection as the trust fund to serve as the constitutionally mandated depository for the required percentage of documentary stamp tax revenues.

- Section 379.212, F.S., to limit revenues deposited into the Land Acquisition Trust Fund within the Fish and Wildlife Conservation Commission to only those transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection to maintain the integrity of such funds.¹

Additionally, to ensure that funds transferred from the Land Acquisition Trust Fund within the Department of Environmental Protection are tracked from distribution to expenditure the Legislature created two additional land acquisition trust funds, one within the Department of Agriculture and Consumer Services and one within the Department of State.²

Specifically, s. 20.106, F.S., was created to establish the Land Acquisition Trust Fund within the Department of State to be used as a depository for funds received from the Land Acquisition Trust Fund within the Department of Environmental Protection and for the expenditure of such funds for the purposes set forth in Art. X, s. 28 of the State Constitution. The effective date of the act initially creating the trust fund was July 1, 2015.

In accordance with Art. III, s. 19(f)(2) of the State Constitution, the Land Acquisition Trust Fund within the Department of State is scheduled to be terminated on July 1, 2019, unless terminated sooner.

III. Effect of Proposed Changes:

To ensure that the Land Acquisition Trust Fund within the Department of State is not terminated, the bill re-creates such trust fund without modification.

The bill repeals the scheduled termination of the trust fund codified in s. 20.106(5), F.S.

The bill takes effect July 1, 2018.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Article III, s. 19(f)(1) of the State Constitution requires a bill that creates or re-creates a trust fund to pass by three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

¹ Chapter 2015-229, ss. 9, 50, and 60, Laws of Fla.

² Chapters 2015-230 and 2015-231, Laws of Fla.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of the Florida Statutes.

This bill repeals subsection 20.106(5) of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.