

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 Committee on Environmental Preservation and Conservation

BILL: SB 1130

INTRODUCER: Senator Powell

SUBJECT: Land Acquisition Trust Fund within the Department of State

DATE: January 12, 2018

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Istler	Rogers	EP	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1130 re-creates, without modification, the Land Acquisition Trust Fund within the Department of State and repeals s. 20.106(5), F.S., which is the subsection of law relating to the termination of such trust fund.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the Florida Constitution requires all, unless specifically exempted, state trust funds to terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.

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 required 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 Florida 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 Florida Constitution.

In accordance with Art. III, s. 19(f)(2) of the Florida 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 s. 20.106(5), F.S., which provides that the Land Acquisition Trust Fund within the Department of State terminates on July 1, 2019, in accordance with Art. III, s. 19(f)(2) of the Florida Constitution and requires the trust fund to be reviewed before its scheduled termination.

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 Florida Constitution requires bills that create or re-create trust funds to pass by three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

¹ Ch. 2015-229, s. 9, s. 50, Laws of Fla.

² Ch 2015-230 and Ch 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 section 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.