

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: HB 5701 PCB ITA 21-01 Trust Funds/Re-creation/Triumph Gulf Coast Trust Fund/DEO
SPONSOR(S): Infrastructure & Tourism Appropriations Subcommittee, Williamson
TIED BILLS: **IDEN./SIM. BILLS:** SB 1162, SB 7054

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Infrastructure & Tourism Appropriations Subcommittee	14 Y, 0 N	Hicks	Davis
1) Appropriations Committee	26 Y, 0 N	Hicks	Pridgeon

SUMMARY

Section 19(f), Article III of the State Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision requires that a trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating or recreating that trust fund. The Triumph Gulf Coast Trust Fund was created in the Department of Economic Opportunity effective July 1, 2017, and is scheduled to terminate on July 1, 2021.

This bill re-creates the Triumph Gulf Coast Trust Fund in the Department of Economic Opportunity, FLAIR number 40-2-043, provided that it is enacted by three-fifths of the membership of both houses of the Legislature.

This bill has no fiscal impact.

This bill is effective upon becoming a law.

Art. III, s. 19(f) of the Florida Constitution requires a three-fifths vote of the membership for final passage of a newly created or re-created trust fund. The bill re-creates a trust fund; thus, it requires a three-fifths vote for final passage.

I. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision requires that a trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating or recreating that trust fund. The Triumph Gulf Coast Trust Fund was created in the Department of Economic Opportunity effective July 1, 2017, by chapter 2017-64 Laws of Florida, in s. 288.80125, F.S., and is scheduled to terminate on July 1, 2021.

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

The trust fund is used to transfer settlement payment funds to Triumph Gulf Coast, Inc., a nonprofit corporation organized to make awards for projects or programs within the counties disproportionately affected by the Deep Horizon oil spill.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

The trust fund is established for use as a depository for funds received from the settlement between the five gulf states and the BP entities as a result of the Deepwater Horizon oil spill. Seventy-five percent of all payments Florida receives pursuant to the settlement agreement are immediately transferred from the General Revenue Fund to the trust fund.

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

Total projected receipts into the trust fund are \$80 million. Pursuant to Florida Statutes, settlement funds transferred to the trust fund are subsequently released to the corporation within 30 days after such transfer. Interest earned on these funds while held by the corporation are deposited monthly into the Triumph Gulf Coast Trust Fund. Interest earnings in the current year are projected to total \$7,715,559.

B. EFFECT OF PROPOSED CHANGES:

The bill re-creates the trust fund without modification.

II. 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.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

Article III, s. 19(f) of the State Constitution requires all newly created trust funds to terminate not more than four years after the initial creation of the fund. In addition, the State Constitution requires a newly created or re-created trust fund to be adopted by three-fifths vote of the membership in each

house of the Legislature in a separate bill for the sole purpose of creating or re-creating the fund. This bill re-creates a trust fund; thus, it requires a three-fifths vote for final passage.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

None.