

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

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Prepared By: Ways and Means Committee

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BILL: CS/CS/SB 332

SPONSOR: Ways and Means Committee, Environmental Preservation; and Senator Dockery

SUBJECT: Water Protection and Sustainability Program Trust Fund

DATE: April 28, 2005

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Baum</u>	<u>Kiger</u>	<u>EP</u>	<u>Fav/CS</u>
2.	<u>Wilson</u>	<u>Wilson</u>	<u>GO</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	<u>Withdrawn</u>
4.	_____	_____	<u>GA</u>	<u>Withdrawn</u>
5.	<u>Heflin</u>	<u>Coburn</u>	<u>WM</u>	<u>Fav/CS</u>
6.	_____	_____	_____	_____

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## I. Summary:

This bill creates the Water Protection and Sustainability Trust Fund within the Department of Environmental Protection (DEP). The bill provides for sources of funds, an annual carryforward of those funds, and future legislative review and termination or re-creation of the trust fund.

This bill creates section 403.891, F.S.

## II. Present Situation:

CS/CS/SB 444 creates s. 403.890, F.S., which establishes the Water Protection and Sustainability Funding Program. Moneys will be received for the program from documentary stamp tax revenues and, potentially, other sources.

## III. Effect of Proposed Changes:

This bill creates section 403.891, F.S., which:

- Creates the Water Protection and Sustainability Trust Fund within DEP. The trust fund will receive moneys from statutory distributions of documentary stamp taxes, pursuant to s. 210.15, F.S., and from federal grants and other sources to fund the Water Protection and Sustainability Program.
- Provides that, notwithstanding s. 216.301, F.S., and pursuant to s. 216.351, F.S., any balance in the trust fund at the end of any fiscal year will remain in the trust fund at the end of the year and will be available for carrying out the purposes of the trust fund. This will not affect revenues received directly by the trust fund. However, if moneys are

appropriated to the trust fund from other trust funds or from the General Revenue Fund, this provision will prevent unspent sums from reverting, at the end of the year, to the fund from which they were appropriated.

- Provides that, pursuant to section 19 (f)(2), Article III, State Constitution, the trust fund is terminated on July 1, 2009, 4 years after the date of its creation, unless terminated sooner by law. Prior to the scheduled termination of the trust fund, the Legislature must review it as provided in s. 215.3206 (1) and (2), F.S.

This act will take effect on July 1, 2005, if Senate Bill 444 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

CS/SB 332, creating a new trust fund, must pass by a 3/5 vote of the membership of each house to become law pursuant to section 19(f)(1), Article III, Florida Constitution.

#### **V. Economic Impact and Fiscal Note:**

##### **A. Tax/Fee Issues:**

None.

##### **B. Private Sector Impact:**

None.

##### **C. Government Sector Impact:**

None.

#### **VI. Technical Deficiencies:**

None.

#### **VII. Related Issues:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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## **VIII. Summary of Amendments:**

None.

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