

STORAGE NAME: h1863.gg

DATE: March 15, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
ANALYSIS**

BILL #: HB 1863 (PCB GG 99-93)

RELATING TO: Termination of Trust Funds in the Department of Agriculture and Consumer Services, Department of Environmental Protection, Department of Insurance, and Department of Revenue

SPONSOR(S): Committee on General Government Appropriations

COMPANION BILL(S):

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

- (1) GENERAL GOVERNMENT APPROPRIATIONS YEAS 12 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

Article III, Section 19 (f) of the State Constitution terminates most trust funds four years after their effective date. Prior to such termination, the Legislature reviews trust funds to recreate, terminate, or determine them exempt from automatic termination in accordance with provisions of Article III, Section 19(f) of the State Constitution. It includes trust funds that are administered by the Department of Revenue, Department of Insurance, Department of Agriculture and Consumer Services, Department of Banking and Finance, and the Department of Environmental Protection. This bill also amends or repeals numerous statutes in order to conform with the provisions of the bill. This bill terminates ten trust funds that have been identified as no longer necessary, lists 47 trust funds that have been determined exempt and renames four trust funds that are recreated in separate bills.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Article III, Section 19(f) of the State Constitution, adopted and effective on November 4, 1992, provides that no trust fund may have a life span of more than 4 years and sets forth provisions that exempt certain trust funds from automatic termination.

B. EFFECT OF PROPOSED CHANGES:

This bill terminates one trust fund within the Department of Agriculture and Consumer services, four trust funds within the Department of Environmental Protection, two trust funds within the Department of Insurance, and three trust funds within the Department of Revenue. This bill also exempts one trust fund within the Department of Agriculture and Consumer Services from termination, nine within the Department of Banking and Finance, three within the Department of Environmental Protection, five within the Department of Insurance, and twenty-nine within the Department of Revenue. This bill also renames two trust funds within the Department of Banking and Finance, and two within the Department of Environmental Protection. This bill amends and repeals various provisions of law in order to have them conform with the provisions of this bill.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

N/A

- (2) Who makes the decisions?

N/A

- (3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 11.2423, 206.606, 215.551, 253.781, 253.7824, 253.7829, 253.783, 327.28, 369.252, 403.1835, 403.1836, 624.516, 633.445, 633.46, 633.461, 633.50, 697.205, Florida Statutes, are amended and sections 61.182, 633.45(1)(r), 697.203, Florida Statutes, are repealed.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Lists the various trust funds to be terminated. Provides for the payment of outstanding debts and obligations of the terminated funds and accounts and for the removal of the terminated funds and accounts from the various state accounting systems. Unless otherwise provided, all current balances remaining in, and all revenues of, the trust funds to be terminated, are to be transferred to the General Revenue Fund. The terminated trust funds are:

A. Within the Department of Agriculture and Consumer Services:

1. The Hurricane Andrew Disaster Relief Trust Fund

B. Within the Department of Environmental Protection: The Hurricane Andrew Disaster Relief Trust Fund

2. The Hurricane Andrew Recovery and Rebuilding Trust Fund

3. The Youth Conservation Corps Trust Fund

4. The Cross Florida Barge Canal Trust Fund in which the remaining balance and revenues will be deposited into the Land Acquisition Trust Fund

C. Within the Department of Insurance:

1. The Fire College Trust Fund in which the remaining balance and revenues will be deposited into the Insurance Commissioner's Regulatory Trust Fund

2. The Home Equity Conversion Mortgage Guaranty Fund in which the remaining balance and revenues will be deposited into the Treasurer's Administrative and Investment Trust Fund

D. Within the Department of Revenue:

1. The Child Support Depository Trust Fund
2. The Child Support Trust Fund
3. The Minerals Trust Fund

Section 2. The Legislature identifies those trust funds that are exempt from the automatic termination provisions of Article III, Section 19(f) of the State Constitution. Specifically the Legislature identifies the following trust funds within the listed agencies:

A. Within the Department of Agriculture and Consumer Services:

1. The Florida Preservation 2000 Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it was established for bond covenants.

B. Within the Department of Banking and Finance:

1. The Child Support Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
2. The Collections Internal Revenue Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
3. The Consolidated Miscellaneous Deductions Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
4. The Electronic Funds Transfer Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
5. The Employee Refund Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
6. The Federal Tax Levy Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
7. The Florida Retirement Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
8. The Hospital Insurance Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
9. The Social Security Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.

C. Within the Department of Environmental Protection:

1. The Florida Preservation 2000 Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it was established for bond covenants.
2. The Land Acquisition Trust Fund. This fund is exempt according to Article III, Section 19(f)(3), because the trust fund was authorized by the State Constitution.
3. The Project Construction Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it was established for bond covenants.

D. Within the Department of Insurance:

1. The Agents and Solicitors County Tax Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it accounts for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other units.
 2. The Government Employees Deferred Compensation Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it accounts for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units.
 3. The State Treasurer Escrow Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it accounts for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units.
 4. The Treasury Cash Deposit Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 5. The Treasurer Investment Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
- E. Within the Department of Revenue:
1. The Additional Court Cost Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 2. The Apalachicola Bay Oyster Surcharge Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 3. The Child Support Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 4. The Convention Development Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 5. The Revenue Sharing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 6. The Documentary Stamp Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 7. The Revenue-Fuel Tax Refund Payments Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 8. The Fuel Tax Collection Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 9. The Local Option Fuel Tax Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 10. The Local Alternatives Fuel User Fee Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 11. The Local Government Half-cent Sales Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 12. The Discretionary Sales Surtax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 13. The Local Option Tourist Development Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
 14. The Mail Order Sales Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.

15. The Motor Vehicle Warranty Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
16. The Municipal Financial Assistance Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
17. The Motor Vehicle Rental Surcharge Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
18. The Revenue Sharing Trust Fund for Municipalities. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
19. The Oil and Gas Tax Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
20. The Pollutant Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
21. The Railroad and Private Car Tax Collection Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
22. The Sales Tax Security Deposit Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it accounts for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units.
23. The Secondhand Dealer and Secondary Metal Recycler Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
24. The State Alternative Fuel User Fee Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
25. The Highway Safety-Admin. Div. Security Deposits Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it accounts for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units.
26. The Severance Tax Solid Mineral Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
27. The Solid Waste Management Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
28. The Department of Revenue Premium Tax Clearing Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.
29. The Ninth-cent Fuel Tax Trust Fund. This trust fund is exempt according to Article III, Section 19(f)(3), because it is a clearing trust fund.

Section 3. Renames four trust funds and provides for an effective date. The trust funds to be renamed are:

A. Within the Department of Banking and Finance:

1. The Abandoned Property Trust Fund is renamed the Unclaimed Property Trust Fund.
2. The National Forest Trust Fund is renamed the Federal Use of State Lands Trust Fund.

B. Within the Department of Environmental Protection:

1. The Aquatic Plant Control Trust Fund is renamed the Invasive Plant Control Trust Fund.

2. The Sewage Treatment Revolving Loan Fund is renamed the Wastewater Treatment and Stormwater Management Revolving Trust Fund.

Section 4. Repeals section 3 of chapter 95-114, section 3 of chapter 95-115, section 2 of Chapter 95-249, and section 3 of chapter 95-371, Laws of Florida upon this act becoming law. These sections are repealed because they terminate trust funds that are being re-created in a separate bill.

Section 5. Amends section 11.2423, Florida Statutes, to provide that the adoption of the Florida Statutes does not operate to repeal acts declaring trust funds to be exempt from the automatic termination requirements of section 19(f), Article III of the State Constitution.

Section 6. Amends section 253.781(3), Florida Statutes, to conform with the provisions of this bill by removing reference to the Cross Florida Barge Canal Trust Fund.

Section 7. Amends section 253.7824, Florida Statutes, to conform with the provisions of this bill by removing reference to the Cross Florida Barge Canal Trust Fund and providing for the deposit of certain proceeds in the Land Acquisition Trust Fund.

Section 8. Amends section 253.7829, Florida Statutes, to conform with the provisions of this bill by removing reference to the Cross Florida Barge Canal Trust Fund.

Section 9. Amends section 253.783(2), Florida Statutes, to conform with the provisions of this bill by removing reference to the Cross Florida Barge Canal Trust Fund.

Section 10. Amends section 624.516, Florida Statutes, to conform with the provisions of this bill by removing reference to the Fire College Trust Fund.

Section 11. Amends subsections (1), (2), (3), (9), and (10), of section 633.445, Florida Statutes, to conform with the provisions of this bill by removing reference to the Florida College Trust Fund and transferring its balance and responsibilities to the Insurance Commissioner's Regulatory Trust Fund.

Section 12. Repeals paragraph (r) of subsection (1) of section 633.45, Florida Statutes, in order to conform with the provisions of this bill.

Section 13. Amends section 633.46, Florida Statutes, to conform with the provisions of this bill by removing reference to the Florida College Trust Fund and transferring its balance and responsibilities to the Insurance Commissioner's Regulatory Trust Fund.

Section 14. Amends section 633.461, Florida Statutes, to conform with the provisions of this bill by removing reference to the Florida College Trust Fund and transferring its balance and responsibilities to the Insurance Commissioner's Regulatory Trust Fund.

Section 15. Amends section 633.50, Florida Statutes, to conform with the provisions of this bill by removing reference to the Florida College Trust Fund and transferring its balance and responsibilities to the Insurance Commissioner's Regulatory Trust Fund.

Section 16. Repeals section 697.203, Florida Statutes, in order to conform with the provisions of this bill by removing reference to the Florida College Trust Fund and transferring its balance and responsibilities to the Insurance Commissioner's Regulatory Trust Fund.

Section 17. Amends section 697.205, Florida Statutes, to conform with the provisions of this bill by removing reference to the Home Equity Conversion Guaranty Fund and transferring its balance and responsibilities to the Treasurer's Administrative and Investment Trust.

Section 18. Repeals section 61.182, Florida Statutes, in order to conform with the provisions of this bill.

Section 19. Amends paragraph (a) of subsection (1) of section 206.606, Florida Statutes, 1998 Supplement, to conform with the provisions of this bill by renaming the Aquatic Plant Control Trust Fund.

Section 20. Amends paragraph (c) and (e) of subsection (1) of section 327.28, Florida Statutes, to conform with the provisions of this bill by renaming the Aquatic Plant Control Trust Fund.

Section 21. Amends section 369.252, Florida Statutes, to conform with the provisions of this bill by renaming the Aquatic Plant Control Trust Fund.

Section 22. Amends section 215.551, Florida Statutes, to conform with the provisions of this bill by renaming the National Forest Trust Fund.

Section 23. Amends paragraph (a) of subsection (9) and (10) of section 403.1835, Florida Statutes, to conform with the provisions of this bill by renaming the Sewage Treatment Revolving Loan Fund.

Section 24. Amends section 403.1836, Florida Statutes, to conform with the provisions of this bill by renaming the Sewage Treatment Revolving Loan Fund.

Section 25. Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. **FISCAL COMMENTS:**

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

This bill does not require municipalities or counties to spend money.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

This bill does not reduce the authority of municipalities or counties to raise revenue.

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

This bill does not reduce the percentage of a state tax shared with municipalities or counties.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

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