

STORAGE NAME: h1189a.wrm

DATE: March 15, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
WATER AND RESOURCE MANAGEMENT
ANALYSIS**

BILL #: HB 1189

RELATING TO: Lake Okeechobee Protection Trust Fund

SPONSOR(S): Representative Pruitt

TIED BILL(S): HB 991

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

- (1) WATER and RESOURCE MANAGEMENT YEAS 10 NAYS 0
 - (2) ENVIRONMENTAL PROTECTION
 - (3) AGRICULTURE
 - (4) GENERAL GOVERNMENT APPROPRIATIONS
 - (5)
-

I. SUMMARY:

HB 1189 creates the Lake Okeechobee Protection Trust Fund, which will be administered by the Department of Environmental Protection (DEP). The trust fund will receive legislative appropriations to be used for funding the proposed Lake Okeechobee Protection Program and related Surface Water Improvement and Management (SWIM) activities.

The bill provides that the act shall take effect July 1, 2000, if HB 991 or similar legislation is adopted and becomes law. Pursuant to the state Constitution, legislation to create a trust fund requires a three-fifths vote of the House of the Representatives and the Senate.

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II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

HB 991, which is tied to HB 1189, provides for creation of the Lake Okeechobee Protection Program.

Pursuant to s. 19, Article III of the State Constitution, no trust fund of the State of Florida or other public body may be created by law without a three-fifths vote of the membership of each house of the legislature in a separate bill for the purpose of creating a trust fund only.

C. EFFECT OF PROPOSED CHANGES:

HB 1189 creates the Lake Okeechobee Protection Trust Fund, which will be used by the Department of Environmental Protection as a depository for funds designated for implementation of the proposed Lake Okeechobee Protection Program and related Surface Water Improvement and Management (SWIM) activities.

The bill provides that the act shall take effect July 1, 2000, if HB 991 or similar legislation is adopted and becomes law.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 373.45952, F.S., the Lake Okeechobee Protection Trust Fund. Provides uses of the trust fund. Specifies that the trust shall be repealed effective July 1, 2004. Provides for legislative review prior to repeal.

Section 2: Provides that this act shall take effect July 1, 2000, if HB 991 or similar legislation is adopted in the same legislative session or an extension thereof.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

D. FISCAL COMMENTS:

The trust fund shall be the repository of legislative appropriations to finance the restoration of Lake Okeechobee, as provided for by HB 991.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON WATER and RESOURCE MANAGEMENT:

Prepared by:

Staff Director:

W. Ray Scott

Joyce Pugh