

STORAGE NAME: h1189z.wrm
DATE: July 10, 2000

****AS PASSED BY THE LEGISLATURE****
CHAPTER #: 2000-131, Laws of Florida

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
WATER & RESOURCE MANAGEMENT
FINAL ANALYSIS**

BILL #: HB 1189
RELATING TO: Lake Okeechobee Protection Trust Fund
SPONSOR(S): Representative Pruitt
TIED BILL(S): CS/CS/HB 991 by Representative Pruitt

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

- (1) WATER and RESOURCE MANAGEMENT YEAS 10 NAYS 0
- (2) ENVIRONMENTAL PROTECTION YEAS 12 NAYS 0
- (3) AGRICULTURE YEAS 9 NAYS 0
- (4) GENERAL GOVERNMENT APPROPRIATIONS YEAS 9 NAYS 0
- (5)

I. SUMMARY:

HB 1189 creates the Lake Okeechobee Protection Trust Fund, to 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 the act shall take effect July 1, 2000, if CS/CS/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.

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:

CS/CS/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, to 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 CS/CS/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 this act shall take effect July 1, 2000, if CS/CS/HB 991 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

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 CS/CS/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:

A. CONSTITUTIONAL ISSUES:

N/A

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B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON WATER and RESOURCE MANAGEMENT:

Prepared by:

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Staff Director:

Joyce Pugh

AS REVISED BY THE COMMITTEE ON ENVIRONMENTAL PROTECTION:

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**FINAL ANALYSIS PREPARED BY THE COMMITTEE ON WATER & RESOURCE
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