

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 666

SPONSOR: Senator Casas

SUBJECT: Exempt, Terminate, or Modify Trust Funds Administered by Transportation and Economic Development Agencies

DATE: November 22, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Lombardi</u>	<u>Hadi</u>	<u>FP</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

The bill terminates: the Hurricane Andrew Disaster Relief Trust Fund and the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs; the Hurricane Andrew Disaster Relief Trust Fund, the Hurricane Andrew Recovery and Rebuilding Trust Fund, and the Historic Pensacola Preservation Board Operating Trust Fund within the Department of State.

The bill clarifies that the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund are exempt from the termination provision of Section 19(f), Article III, State Constitution.

The bill also provides other technical amendments relating to statute references.

This bill amends ss. 189.427, 252.82(7), 943.25(1), and 15.09(b), Florida Statutes.

This act shall take effect July 1, 2000.

## II. Present Situation:

**Section 1.** The Hurricane Andrew Recovery and Rebuilding Trust Fund was created within the Department of Community Affairs (DCA) pursuant to Chapter 92-350, Laws of Florida. The law directed the Comptroller to transfer sales tax revenues from the General Revenue Fund into the trust fund for relief and recovery activities resulting from storm damage.

The Hurricane Andrew Recovery and Rebuilding Trust Fund was created within the Department of State pursuant to Chapter 93-186, Laws of Florida, specific supplemental appropriation 18B. The funds were used to restore historic properties in South Dade County damaged by Hurricane Andrew.

The Historic Pensacola Preservation Board Operating Trust Fund was created in 1967 to hold earned income from managing historic properties and to support the activities of the Historic Pensacola Preservation Board of Trustees pursuant to s. 266.0011, F.S. Trust fund authority has been transferred to direct-support organizations (DSO) in support of the activities of the board. Any funding reverted from a DSO which ceases to exist or insurance claim for reclamation of property due to storm damage will be placed in the Operating Trust Fund in the Division of Historical Resources.

**Section 2.** Trust funds established under Section 19(f), Art. III, State Constitution must be terminated not more than four years after the effective date of the act authorizing the creation of the trust fund. However, certain trust funds are exempted by the State Constitution from termination<sup>1</sup>. Those needing clarifications are as follows:

The Florida Preservation 2000 Trust Fund was created pursuant to Chap. 90-217, Laws of Florida, for the acquisition and preservation of public lands. Funds allocated from the fund to DCA are in accordance with ss. 259.101 and 375.045, F.S.

The Florida Forever Trust Fund within DCA is created pursuant to Chapters 99-246 and 99-247, Laws of Florida and are yet awaiting funding.

### III. Effect of Proposed Changes:

**Section 1.** The bill terminates: the Hurricane Andrew Disaster Relief Trust Fund and the Hurricane Andrew Recovery and Rebuilding Trust Fund within the Department of Community Affairs; the Hurricane Andrew Disaster Relief Trust Fund, the Hurricane Andrew Recovery and Rebuilding Trust Fund, and the Historic Pensacola Preservation Board Operating Trust Fund within the Department of State.

**Section 2.** The bill clarifies that the Florida Preservation 2000 Trust Fund and the Florida Forever Trust Fund within the Department of Community Affairs are exempt from the termination provision of Section 19(f), Article III, State Constitution.

**Section 3-5.** The bill amends ss. 189.427, 252.82(7), 943.25(1), and 15.09(b), F.S. providing technical amendments regarding statute references and other technical changes.

**Section 6.** This act will take effect July 1, 2000.

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<sup>1</sup> Trust funds required by federal programs or mandates; trust funds established for bond covenants, indentures, or resolutions, whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body; the state transportation trust fund; the trust fund containing the net annual proceeds from the Florida Education Lotteries; the Florida retirement trust fund; trust funds for institutions under the management of the Board of Regents, where such trust funds are for auxiliary enterprises and contracts, grants, and donations, as those terms are defined by general law; trust funds that serve as clearing funds or accounts for the comptroller or state agencies; trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. Other Constitutional Issues:

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

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

## C. Government Sector Impact:

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.