

STORAGE NAME: h0101a.ag.doc
DATE: February 22, 2001

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS
ANALYSIS**

BILL #: HB 101
RELATING TO: Trust funds
SPONSOR(S): Representative(s) Russell
TIED BILL(S): HB 103

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

- (1) COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS (CCC) YEAS 8 NAYS 0
 - (2) FISCAL POLICY & RESOURCES (FRC)
 - (3) COUNCIL FOR COMPETITIVE COMMERCE
 - (4)
 - (5)
-

I. SUMMARY:

HB 101 creates the Off-Highway Vehicle Revolving Trust Fund, which will be funded primarily by fees paid to the Department of Highway Safety and Motor Vehicles for the titling and registration of off-highway vehicles used on public lands. The Florida Off-Highway Vehicle Safety Recreation Act, which provides for the titling and registration of off-highway vehicles used on public land, is created in HB 103.

At the end of any fiscal year, any balance remaining in the trust fund shall be available for carrying out the fund's purpose. Unless terminated sooner, the trust fund will terminate on July 1, 2004. Prior to its termination, the fund shall be reviewed as provided in s. 215.3206(1) and (2), F.S. The bill takes effect on July 1, 2001, and must be enacted by a three-fifths vote of the membership of each house.

Because the purpose of HB 101 is to simply create the trust fund, there is no fiscal impact on state or local governments.

The House Committee on Agriculture and Consumer Affairs adopted a strike-everything amendment, which is traveling with the bill, on February 21, 2001. Please see section VI, AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES.

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:

Pursuant to Article III, Section 19(f), Florida Constitution, no trust fund of the State of Florida or any public body may be created by law without a three-fifths vote of the membership of each house of the legislature. Additionally, the bill creating the trust fund must be separate from any related substantive bill. HB 101 is tied to HB 103 relating to off-highway vehicles.

C. EFFECT OF PROPOSED CHANGES:

This bill creates the Off-Highway Vehicle Revolving Trust Fund. The bill is tied to adoption of HB 103 providing for the titling and registration of all off-highway vehicles used on public lands. The trust fund is a repository and distribution point for funds specified in HB 103.

D. SECTION-BY-SECTION ANALYSIS:

Please see Subsection C., Effect of Proposed Changes.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

Please see Fiscal Comments section.

2. Expenditures:

Please see Fiscal Comments section.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see Fiscal Comments section.

2. Expenditures:

Please see Fiscal Comments section.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Please see Fiscal Comments section.

D. FISCAL COMMENTS:

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. The bill simply creates the Off-Highway Vehicle Revolving Trust Fund.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenue is the aggregate.

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

This bill does not reduce any state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Committee on Agriculture and Consumer Affairs

On February 21, 2001, the House Committee on Agriculture and Consumer Affairs approved a strike-everything amendment offered by Representative Russell. Some of the changes were of a technical nature, such as changing dates that were incorrect due to last year's legislation being used as the basis

STORAGE NAME: h0101a.ag.doc

DATE: February 22, 2001

PAGE: 4

for this year's bill. The remainder of changes addressed concerns raised by the environmental community.

VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON AGRICULTURE & CONSUMER AFFAIRS:

Prepared by:

Staff Director:

Debbi Kaiser

Susan Reese