

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1281 Rural Lands Program Trust Fund
SPONSOR(S): Russell
TIED BILLS: HB 1279 **IDEN./SIM. BILLS:** SB 244

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Agriculture Committee	10 Y, 0 N	Kaiser	Reese
2) Finance & Tax Committee			
3) Agriculture & Environment Appropriations Committee			
4) State Resources Council			
5)			

SUMMARY ANALYSIS

HB 1281 creates the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services (department). The purpose of the trust fund is to receive funds to pay debt service on bonds that are issued pursuant to s. 215.6195, F.S., which authorizes the issuance of bonds for rural land protection. The bill provides for the annual carry forward of funds and for future legislative review and termination or re-creation of the trust fund.

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 1281 is tied to HB 1279, relating to rural land protection.

This bill is contingent upon the Legislature passing HB 1279, to fund the acquisition of conservation easements, rural land protection agreements, agricultural protection agreements and resource conservation agreements.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House principles.

B. EFFECT OF PROPOSED CHANGES:

This bill creates s. 570.209, F.S., to establish the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services (department). The stated purpose of the trust fund is to receive a distribution of documentary stamp tax proceeds to pay debt service on bonds issued pursuant to s. 215.6195, F.S., as created in HB 1279. Any balance in the trust fund at the end of a fiscal year must remain in the trust fund and be available for carrying out the purposes of the trust fund.

Pursuant to s. 19(f)(2), Article III of the State Constitution, the trust fund will, unless terminated sooner, terminate on July 1, 2009. Prior to its scheduled termination, the department and the Governor will review the trust fund and provide recommendations to the Legislature regarding termination or recreation of the trust fund.

Pursuant to Article III, Section 19(f), Florida Constitution, a trust fund of the State of Florida or any public body may not be created 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 relating substantive bill. HB 1281 is tied to HB 1279, a substantive bill relating to rural lands protection.

C. SECTION DIRECTORY:

Section 1: Creating s. 570.209, F.S.; establishing the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services; establishing a purpose and providing criteria for fund management and termination.

Section 2: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The documentary stamp tax proceeds that would be deposited into the Rural Lands Program Trust Fund would otherwise be deposited into the General Revenue Fund and used for a variety of other purposes.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or cities to spend funds or take action requiring the expenditure of funds, does not reduce the authority that counties or cities have to raise revenues in the aggregate, and does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

As required by s. 19(f), Article III of the State Constitution, trust funds must be created by a separate bill and pass by a three-fifths vote of each house of the Legislature.

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES