

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	9 Y, 0 N	Noriega	Diez-Arguelles
3) Agriculture & Environment Appropriations Committee			
4) State Resources Council			
5) _____			

SUMMARY ANALYSIS

The bill creates the Rural Lands Program Trust Fund within the Department of Agriculture and Consumer Services (Department). The purpose of this 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 an annual carryforward of funds and for future legislative review and termination or re-creation of the trust fund.

This bill is contingent upon passage of HB 1279 by the Legislature. HB 1279 provides funding for the acquisition of conservation easements, rural land protection agreements, agricultural protection agreements and resource conservation agreements.

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.

The bill has an effective date of July 1, 2005.

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 place and be available for carrying out the purposes of the trust fund.

C. SECTION DIRECTORY:

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

Section 2. Provides 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:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not appear to: require cities or counties to spend funds or take actions requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

Pursuant to s. 19(f)(2), Article III of the State Constitution, any trust fund shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund, unless the Legislature sets a shorter time period for which any trust fund is authorized. At present, unless terminated sooner, the scheduled termination date of this trust fund is 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 re-creation of the trust fund.

Pursuant to s. 19(f), 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 addition, the bill creating the trust fund must be separate from any related substantive bill. HB 1281 is tied to HB 1279, a substantive bill relating to rural land protection.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES