

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:

Present Situation

The Florida Coastal Protection Trust Fund (CPTF) was created in s. 376.11, F.S., to provide immediate financial resources for cleanup and rehabilitation after a pollutant discharge, to prevent further damage by the pollutant, and to pay for damages, cleanup and restoration of waterfowl, wildlife, and other natural resources. In addition, the fund supports marine law enforcement at the Fish and Wildlife Conservation Commission (FWC) and emergency cleanup response teams at the Department of Environmental Protection for the purpose of cleaning oil and other toxic materials from coastal waters.

Revenues to support activities funded from the CPTF include penalties, judgments, damages recovered pursuant to s. 376.121, F.S.; pollutant excise tax revenues levied and collected pursuant to s. 206.9935 (1), F.S.; the tax on commercial motor vehicles levied pursuant to s. 207.003, F.S., and distributed pursuant to s. 206.9945 (1) (a), F.S.; and interest earnings. Estimated revenues for the 2007-2008 fiscal year total \$10.1 million.

The Inland Protection Trust Fund (IPTF) was created in s. 376.3071, F.S., to serve as a repository of funds for environmental cleanup of inland contamination related to underground storage tanks of petroleum products. Authorized uses of the fund include investigative and assessment activities; restoration or replacement of potable water supplies; cleanup and rehabilitation; maintenance and monitoring of contaminated sites.

Revenues to support the activities funded from the Inland Protection Trust Fund include registration fees pursuant to ss. 376.303 and 376.3072, F.S., for every in-ground or stationary above-ground petroleum storage tank having a capacity of 550 or more gallons; excise taxes on petroleum products pollutants in accordance with s. 206.9935 (3), F.S.; the commercial motor vehicle tax levied pursuant to s. 207.003, F.S., and distributed pursuant to s. 206.9945 (3), F.S.; interest earnings not to exceed \$10 million from the Coastal Protection Trust Fund when needed pursuant to s. 376.11, F.S.; and interest earnings.

Revenues for the 2005-2006 fiscal year totaled \$227.2 million and included \$2.6 million from the commercial motor vehicle tax distribution. The recurring revenues deposited into the fund have been increasing at an average rate of 4 percent over the last three years. Estimated revenues for the 2007-2008 fiscal year total \$231.4 million.

Effect of Proposed Changes

This bill amends s. 206.9935, F.S., to redistribute \$5 million or 2.5 percent, whichever is greater, of the pollutant tax distribution credited to the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund.

This change will increase the amount of the fuel tax revenue distributed to the Florida Coastal Protection Trust Fund by \$5 million on a recurring basis. The same amount will be decreased from the Inland Protection Trust Fund.

C. SECTION DIRECTORY:

Section 1. Amends s. 206.9935, F.S., to redirect \$5 million or 2.5 percent, whichever is greater, of the amount credited to the Inland Protection Trust Fund from the distribution of excise taxes on fuel and other pollutants to the Florida Coastal Protection Trust Fund.

Section 2. Provides an effective date of July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

For FY 2007-2008, it is estimated that \$5.3 million would be transferred from the Inland Protection Trust Fund to the Florida Coastal Protection Trust Fund, as a result of this bill becoming a law.

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:

The bill provides for a decrease in revenue to the Inland Protection Trust Fund and an equal increase to the Florida Coastal Protection Trust Fund in the Department of Environmental Protection to the greater amount of \$5 million or 2.5 percent of the distribution of excise taxes on fuel and other pollutants.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

N/A.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

No statement submitted.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

None.