

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

**BILL:** CS/SB 624

**INTRODUCER:** Budget Subcommittee on General Government Appropriations; Senator Richter

**SUBJECT:** Household Pharmaceuticals Collection and Disposal Trust Fund/DEP

**DATE:** February 28, 2012      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wiggins	Yeatman	EP	<b>Fav/1 amendment</b>
2.	Looke	Stovall	HR	<b>Favorable</b>
3.	Pigott	DeLoach	BGA	<b>Fav/CS</b>
4.				
5.				
6.				

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

This bill creates the Household Pharmaceuticals Collection and Disposal Trust Fund within the Department of Environmental Protection (DEP) and provides for sources, purposes and management of the funds. This bill is contingent upon passage of SB 626, which creates a grant program for household pharmaceuticals collection and disposal.

As required by the constitution, the trust fund takes effect July 1, 2012, and is terminated on July 1, 2016, but only if enacted by a three-fifths vote of the membership of each house of the Legislature.

This bill creates section 403.7451, Florida Statutes.

**II. Present Situation:**

Section 19(f), Art. III of the State Constitution, requires that every trust fund be created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless recreated.

### III. Effect of Proposed Changes:

**Section 1** creates the Household Pharmaceuticals Collection and Disposal Trust Fund within the DEP. Revenues deposited into the fund will be generated from a surcharge of \$21 in addition to any sanction for violation of sections 893.13, 893.135, or 893.1351, F.S. relating to possession or trafficking of a controlled substance. The funds deposited into the trust fund will be used for the grant program established in s. 403.745, F.S., by SB 626 to reimburse local law enforcement agencies for the expenses associated with the collection and disposal of household pharmaceuticals. The trust fund sunsets on July 1, 2016, unless terminated sooner. The trust fund must be reviewed prior to its scheduled termination as provided in ss. 215.3206 (1) and (2), F.S.

**Section 2** provides an effective date of July 1, 2012, and is contingent upon the passage of SB 626 or similar legislation becoming law.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

The provisions of this bill have no impact on municipalities and the counties under the requirements of Article VII, Section 18 of the Florida Constitution.

#### B. Public Records/Open Meetings Issues:

The provisions of the bill have no impact on public records or open meetings issues under the requirements of Article I, Section 24(a) and (b) of the Florida Constitution.

#### C. Trust Funds Restrictions:

Article III, section 19(f)(1), of the Florida Constitution, provides no trust fund of the state or other public body may be created without three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

### V. Fiscal Impact Statement:

#### A. Tax/Fee Issues:

None.

#### B. Private Sector Impact:

None.

#### C. Government Sector Impact:

None.

### VI. Technical Deficiencies:

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Budget Subcommittee on General Government Appropriations on February 28, 2012:**

- Clarifies that the Household Pharmaceuticals Collection and Disposal Trust Fund is contingent upon passage of SB 626 or similar legislation becoming law.

- B. **Amendments:**

None.