

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 Committee on Appropriations

BILL: CS/SB 214

INTRODUCER: Appropriations Committee and Senator Hays

SUBJECT: Florida Forever Trust Fund/Department of Environmental Protection

DATE: January 24, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Howard	Hansen	AP	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

CS/SB 214 terminates the Florida Forever Program Trust Fund within the Department of Environmental Protection (DEP). The trust fund is scheduled for termination on July 1, 2014. After all outstanding debts and obligations of the trust fund are paid, any remaining cash balance, outstanding appropriations and revenues are transferred to the Florida Forever Trust Fund.

Additionally, the Florida Forever Trust Fund is designated as the depository for revenue from the disposition of lands purchased under the Florida Preservation 2000 Act.

The bill is effective July 1, 2013, and has no fiscal impact.

This bill amends section 259.101, Florida Statutes.

The bill repeals section 380.5115, Florida Statutes.

II. Present Situation:

The Florida Forever Program Trust Fund

Article III, s. 19(f) of the Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless the trust fund is exempted by the constitution or operation of law. The Florida Forever Program Trust Fund within the Department of Environmental Protection is scheduled to be terminated on July 1, 2014.

The DEP has two similarly named trust funds: the Florida Forever Program Trust Fund and the Florida Forever Trust Fund.

The Florida Forever Program Trust Fund was created and subsequently re-created¹ within the Department of Community Affairs (DCA). The fund was used by the Florida Communities Trust to provide grants to local governments or nonprofit environmental organizations for the acquisition of community-based projects, urban open spaces, parks, and greenways to implement local governmental comprehensive plans,² as well as the acquisition of land and capital improvement expenditures necessary to implement the Stan Mayfield Working Waterfronts Program³. Revenue sources include cash payments or bond proceeds.⁴

The Florida Forever Program Trust Fund, along with all powers, duties, function, records, office, personnel, associated support positions, property pending issues, existing contracts, administrative authority and rules, unexpended balances of appropriations and allocation of the Florida Communities Trust, was transferred from the DCA to the DEP in ch. 2011-14, L.O.F., concurrent with the dissolution of the DCA. Future revenue was redirected to the Florida Forever Trust Fund.

The Florida Forever Program Trust Fund is scheduled for termination on July 1, 2014. As required by s. 215.3206(2), F.S., any remaining cash balance will be transferred to the General Revenue Fund.

Florida Preservation 2000

In 1990, the Legislature created the Florida Preservation 2000 Program, along with the Florida Preservation 2000 Trust Fund,⁵ as a 10-year program for the purpose of acquiring lands for conservation and recreation and the provision of open space within urban areas. Revenue sources include bond proceeds and the sale of surplus lands.⁶

The 1999 Legislature created the Florida Forever Program as the successor program to the Florida Preservation 2000 Program.⁷ All remaining Florida Preservation 2000 bonds will mature on July 1, 2013. Currently, proceeds from any sale of surplus lands purchased under the Florida Preservation 2000 Program would be deposited into the Florida Preservation 2000 Trust Fund.

III. Effect of Proposed Changes:

The Florida Forever Program Trust Fund is terminated. Section 380.115, F.S., is repealed. All cash balances, outstanding appropriations and revenues of the Florida Forever Program Trust Fund are transferred to the Florida Forever Trust Fund. The bill requires that the DEP pay any outstanding debts and obligations of the Florida Forever Program Trust Fund and that the Chief

¹ Section 259.105(3)(c), F.S.

² Section 259.105(3)(c), F.S.

³ Section 259.105(3)(j), F.S.

⁴ Section 259.105(3), F.S.

⁵ Ch. 90-217, Laws of Florida.

⁶ Section 375.045, F.S.

⁷ Ch. 99-247, L.O.F.

Financial Officer close out and remove the terminated trust fund from the various state accounting systems.

Section 259.101, F.S., is amended to require that the Florida Forever Trust Fund be the depository of revenue from the disposition of lands originally purchased under the Florida Preservation 2000 Act.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The remaining fixed capital outlay obligation of the Florida Forever Program Trust Fund is \$21.6 million. Because the bill transfers all current balances, outstanding appropriations and all revenues of the Florida Forever Program Trust Fund, the bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector.

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.)

The committee substitute adds the transfer of all outstanding appropriations from the Florida Forever Program Trust Fund to the Florida Forever Trust Fund in addition to the original language that transfers all current balances and all revenues.

- B. **Amendments:**

None.