

FINAL BILL ANALYSIS

BILL #: SB 1016

FINAL HOUSE FLOOR ACTION:

116 Y's 0 N's

SPONSOR: Budget Subcommittee on Criminal
and Civil Justice Appropriations
(Rep. Glorioso)

GOVERNOR'S ACTION: Approved

COMPANION BILLS: HB 7067

SUMMARY ANALYSIS

SB 1016 passed the Senate on March 15, 2011, and subsequently passed the House on April 6, 2011. The bill was approved by the Governor on May 2, 2011, chapter 2011-18, Laws of Florida, and becomes effective July 1, 2011.

The Indigent Civil Defense Trust Fund, FLAIR number 21-2-976, is administered by the Justice Administrative Commission. This fund was created effective July 1, 2008, by chapter 2008-110, Laws of Florida. This legislation re-creates the Indigent Civil Defense Trust Fund without modification, effective July 1, 2011. This bill also repeals the provision for the scheduled termination of the trust fund.

I. SUBSTANTIVE INFORMATION

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-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 re-created. The Indigent Civil Defense Trust Fund was created in the Justice Administrative Commission effective July 1, 2008, by chapter 2008-110, Laws of Florida, in section 27.5111, Florida Statutes and is scheduled to terminate on July 1, 2012.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the Criminal and Civil Conflict Regional Counsels.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of application fees paid by individuals who obtain a court ordered attorney in a proceeding under chapter 39.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$110,044 and current year appropriations from the fund are \$871,975.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Indigent Civil Defense Revenue Trust Fund without modification, effective July 1, 2011. This bill also repeals the provision for the scheduled termination of the trust fund.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.