

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

Date: March 27, 1998 Revised: \_\_\_\_\_

Subject: Department of Highway Safety and Motor Vehicles

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Johnson</u>	<u>Johnson</u>	<u>TR</u>	<u>Favorable</u>
2.	<u>                    </u>	<u>                    </u>	<u>WM</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
4.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
5.	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**I. Summary:**

The bill creates the Federal Law Enforcement Trust Fund at the Department of Highway Safety and Motor Vehicles. The department will deposit into the trust fund all funds and revenues received by the department from all federal asset-sharing programs and all federal criminal proceedings.

This bill creates section 932.7051 of the Florida Statutes.

**II. Present Situation:**

Funds and revenues received by the Department of Highway Safety and Motor Vehicles from both state and federal asset-sharing programs are deposited into the Law Enforcement Trust Fund within the department. All funds deposited into the Law Enforcement Trust Fund are subject to the 7 percent general revenue service charge.

**III. Effect of Proposed Changes:**

The bill creates the Federal Law Enforcement Trust Fund within the Department of Highway Safety and Motor Vehicles in section 932.7051, Florida Statutes. Funds and revenues received by the Department from federal forfeiture actions pursuant to 21 U.S.C. and all federal criminal proceedings, including criminal, administrative, or civil forfeiture proceedings, will be deposited into this trust fund. This will allow the department to comply with federal guidelines which require the department to separately account for these federal funds. The U.S. Department of Justice and the Department of the Treasury require that the federal forfeiture funds be segregated from state funds. Additionally, the general revenue service charge will not be charged against these funds in compliance with federal requirements.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

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

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None

## C. Government Sector Impact:

With the elimination of the general revenue service charge there will be a slight reduction in general revenue and an increase in funds available to the Florida Highway Patrol.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.

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