

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 938  
 SPONSOR: Senator Smith  
 SUBJECT: Consumer Frauds Trust Fund  
 DATE: February 17, 2003      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Martin	AAV	Favorable
2.	_____	_____	AP	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This legislation re-creates the Consumer Frauds Trust Fund within the State Attorneys (FLAIR #212127) without modification, effective November 4, 2004. The Consumer Frauds Trust Fund receives funds from civil judgments to order to pay for the State Attorneys costs associated with prosecuting consumer fraud cases. This fund is referenced in section 501.2101, F.S. and was re-created by Chapter 98-353, Laws of Florida.

**II. Present Situation:**

Section 501.2101, F.S. provides that any moneys received by an enforcing authority for attorney's fees and costs of investigation or litigation in proceedings brought under the provisions of section 501.207, section 501.208, or section 501.211, F.S. be deposited in the Consumer Frauds Trust Fund or the Legal Affairs Revolving Trust Fund. Both the Department of Legal Affairs and the State Attorneys have a Consumer Frauds Trust Fund. The enforcing authority is entitled to receive reimbursement for attorney fees and costs of investigation or litigation incurred in enforcing the consumer protection laws of the state. Only \$1,419 is expected to be spent from the trust fund in the current year (18<sup>th</sup> Circuit). A total of \$20,043 has been requested for the 2003-04 fiscal year (1<sup>st</sup> and 18<sup>th</sup> Circuits). See below for more information.

	2002-03 Fiscal Year	2003-04 Fiscal Year
Balance at July 1 (beginning of year)	37,366	37,197
Revenues	3,250	3,460
Total Available Funds	40,616	42,657
Less Expenses	1,419	20,043
Balance at June 30 (end of year)	39,197	22,614

If the Legislature takes no action, this trust fund will expire November 4, 2004.

**III. Effect of Proposed Changes:**

This bill re-creates the trust fund without modification.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.