

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 1052
 SPONSOR: Senator Smith
 SUBJECT: Family Courts Trust Fund
 DATE: February 11, 2004 REVISED: _____

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

I. Summary:

This legislation re-creates the Family Courts Trust Fund without modification, effective November 4, 2004. The Family Courts Trust Fund, FLAIR #22-2-973, is administered by the State Courts System. This fund was created by Chapter 98-378/382.

II. Present Situation:

Section 25.388, F.S., provides for the creation of the trust fund, provides purpose and revenue sources. Sections 28.101 and 741.01(4), F.S., provide for revenue for the trust fund.

The trust fund is used to provide for the general administration of the family courts divisions. Pursuant to Section 25.388(1)(b), F.S., the Supreme Court is required to adopt a plan for the operation of the trust fund that provides for “a comprehensive integrated response to families in litigation, including domestic violence matters, guardian ad litem programs, mediation programs, legal support, training, automation, and other related costs incurred to benefit the citizens of the state and the courts in relation to family law cases.”

Section 28.101(1)(d)2., F.S, provides that \$25 of the additional charges imposed for each dissolution of marriage petition be deposited in the trust fund. Section 741.01(4), F.S., provides that an additional fee of \$25 for each marriage license application be deposited in the trust fund.

The estimated fee receipts into the trust fund for the 2003-2004 state fiscal year are approximately \$5.6 million, and for the 2004-2005 state fiscal year are estimated to remain at \$5.6 million. (Estimates provided by the Office of the State Courts Administrator.)

If not re-created, this trust fund will expire on November 4, 2004.

III. Effect of Proposed Changes:

This bill re-creates the trust fund without modification to its' purpose or function.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

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.

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