

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1195                      State Homeland Security Trust Fund  
**SPONSOR(S):** Rivera  
**TIED BILLS:** HB 1193                      **IDEN./SIM. BILLS:** SB 2620 (I)

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Commerce</u>	_____	<u>McDonald</u>	<u>Billmeier</u>
2) <u>Finance &amp; Tax</u>	_____	_____	_____
3) <u>Commerce &amp; Local Affairs Apps. (Sub)</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

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### SUMMARY ANALYSIS

HB 1195 creates the State Homeland Security Trust Fund (trust fund) to be administered by the Department of Law Enforcement (department). The purpose of the trust fund is to implement the purposes of the "Florida Commerce With Terrorist States Act" created in HB 1193 or similar legislation creating the act.

The trust fund is to be funded from appropriations from General Revenue or other sources specifically to fund the incentive program. Unless terminated sooner, the trust fund will terminate on July 1, 2007. Prior to its termination, the trust fund shall be reviewed as provided in s. 215.3206, F.S.

The bill requires an annual carry-forward of unused funds at the end of any fiscal year.

The bill provides for termination of the trust fund on or before July 1, 2008. Prior to termination, the trust fund shall be reviewed pursuant to s. 215.3206(1) and (2), F.S.

The bill takes effect on July 1, 2004, contingent upon passage and enactment of HB 1193 or similar legislation in the same legislative session or an extension thereof and becomes law. HB 1195 must be enacted by a three-fifths vote of the membership of each House.

There is no fiscal impact on state or local governments because the purpose of the bill is only to create the trust fund.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1195.com.doc  
**DATE:** March 16, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Pursuant to Article III, Section 19(f)(1), of the State Constitution, no trust fund of the State of Florida or any public body may be created by law without a three-fifths vote of the membership of each House of the Legislature. Additionally, the bill creating the trust fund must be separate from any related substantive bill. Also, Article III, Section 19(f)(2), of the State Constitution, requires the trust fund to terminate not more than four years after its creation. Section 215.3206, F.S., provides the statutory process for legislative review of trust funds prior to their termination so that the Legislature can decide whether to re-create, re-create with amendment, or terminate any trust fund.

HB 1195 creates the State Homeland Security Trust Fund (trust fund) to be administered by the Department of Law Enforcement (department). Funds shall be credited to the trust fund pursuant to the s. 288.857, F.S. The bill is tied to the passage and enactment of HB 1193 or similar legislation creating the s. 288.857, F.S., the "Florida Commerce With Terrorist States Act." The bill must also meet the constitutional requirements for passage by the Legislature. HB 1195 requires a legislative review pursuant to s. 215.3206(1) and (2), F.S., prior to its scheduled constitutionally required termination of July 1, 2008. Finally, any trust fund balance at the end of any fiscal year shall be carried-forward.

#### C. SECTION DIRECTORY:

Section 1. Creates the State Homeland Security Trust Fund; delineates contingencies for such creation and continuation.

Section 2. Provides an effective date.

### II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

See "Fiscal Comments."

##### 2. Expenditures:

See "Fiscal Comments."

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

See "Fiscal Comments."

2. Expenditures:

See "Fiscal Comments."

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "Fiscal Comments."

D. FISCAL COMMENTS:

The bill has no fiscal impact on state agencies or state funds, on local governments as a whole, or on the private sector. The bill simply creates the trust fund with appropriations to the trust fund dependent upon legislative action.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

N/A