

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 Division of Emergency Management within the Department of Community Affairs. Funds shall be credited to the trust fund pursuant to s. 288.857(4)(c), F.S., the “Commerce With Terrorist States Act.” The funds are to be used to fund state homeland security with priorities for funding to focus on costs not funded by the federal government, such as operational costs of security at seaports and other venues. Requests for funding must be reviewed by the Domestic Security Oversight Board which shall recommend funding priorities.

The bill is tied to the passage and enactment of HB 1193 or similar legislation creating 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

On March 24, 2004, the Committee on Commerce passed HB 1195 with a committee substitute. The committee substitute differs from the original bill in the following ways:

- Changes the entity that will administer the fund to the Division of Emergency Management within the Department of Community Affairs.

- Provides that funds will be credited to trust fund as provided in s. 288.857(4)(c), F.S., to be used to fund state homeland security with priorities for funding to focus on costs not funded by the federal government, such as operational costs of security at seaports and other venues.
- Requires the Domestic Security Oversight Board to review funding requests and recommend funding priorities.