

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1881 Trust Funds (Public Safety and Judicial Trust Funds)
SPONSOR(S): Appropriations
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	27 Y, 1 N	London/DeBeaugrine	Baker
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

HB 1881 terminates certain trust funds within the Justice Administrative Commission, the Attorney General's Office, the Department of Corrections, and the State Courts System, and provides for their disposition. This bill also amends certain sections of the Florida Statutes to make conforming changes.

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

STORAGE NAME: h1881.ap.doc
DATE: March 26, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

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

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

B. EFFECT OF PROPOSED CHANGES:

HB 1881 terminates the Capital Collateral Regional Counsel Trust Fund and the Consumer Frauds Trust Fund within the Justice Administrative Commission; the Operating Trust Fund within the Department of Corrections; the Florida Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs; and the Family Courts Trust Fund within the State Courts System. Each of these trust funds are scheduled to sunset on November 4, 2004

The source of revenue for the Capital Collateral Regional Counsel Trust Fund is Federal reimbursement for state funds expended by the Capital Collateral Regional Counsel offices in representing clients before the Federal Courts. Recurring appropriations of \$300,000 are replaced by General Revenue in the House proposed General Appropriations Act.

The Consumer Frauds Trust Fund is a repository for attorney's fees and other costs recovered in consumer fraud cases. The cash balance in this trust fund is reported to be \$45,460 with \$1,028 of additional collections projected for FY 2004-05.

The Operating Trust Fund in the Department of Corrections contains administrative processing fees applied to payments received from probationers, proceeds from recycling programs in the department's facilities, and cost of care payments retained by the department that would otherwise be deposited into General Revenue. Recurring appropriations of approximately \$12 million are replaced by General Revenue in the House proposed General Appropriations Act.

The Florida Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs received 18% of license tax surcharge proceeds. It was terminated by Chapter 2003-179, Laws of Florida and no longer receives any revenue.

The Family Courts Trust Fund within the State Courts receives a portion of the proceeds from marriage licenses and dissolution of marriage fees. Recurring appropriations of approximately \$6 million are replaced by General Revenue in the House proposed General Appropriations Act.

With the exception of the Consumer Frauds Trust Fund, all balances in and revenues of the trust funds are transferred to General Revenue. The balance in and the revenues of the Consumer Frauds Trust Fund are to be deposited into the Justice Administrative Commission Grants and Donations Trust Fund.

This bill provides that the administering agency is responsible for paying any outstanding debts and obligations of the terminated trust funds and the Chief Financial Officer is responsible for closing out and removing the terminated trust fund from the state accounting systems.

C. SECTION DIRECTORY:

Section 1. Terminates certain trust funds that fall within the jurisdiction of the Judicial and Public Safety Appropriations Subcommittees of the Florida House.

Section 2. Amends s. 27.702, F.S., making conforming changes.

Section 3. Amends s. 28.101, F.S., making conforming changes.

Section 4. Amends s. 741.01, F.S., making conforming changes.

Section 5. Amends s. 948.09, F.S., making conforming changes.

Section 6. Repeals s. 25.388, F.S., making conforming changes.

Section 7. Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

2. None.

3. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

The Appropriations committee adopted an amendment to designate the Motor Vehicle Theft Prevention Trust Fund within the Department of Legal Affairs. This corrects an omission in the bill as originally drafted which did not designate the state agency the trust fund was established within.