

By Senator Geller

31-1242-04

1                                   A bill to be entitled  
 2           An act relating to trust funds; transferring  
 3           and amending s. 350.0614, F.S.; creating a  
 4           Public Counsel Trust Fund to fund the  
 5           operations of the Public Counsel in matters  
 6           pertaining to insurance; amending s. 624.523,  
 7           F.S.; providing a funding source for the Public  
 8           Counsel Trust Fund; providing for review and  
 9           termination or re-creation of the trust fund;  
 10          providing a contingent effective date.

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 12 Be It Enacted by the Legislature of the State of Florida:

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 14           Section 1. Section 350.0614, Florida Statutes, is  
 15 transferred, renumbered as section 11.954, Florida Statutes,  
 16 and amended to read:

17           11.954 ~~350.0614~~ Public Counsel; trust funds;  
 18 compensation and expenses.--

19           (1)(a)1. There is created a Public Counsel Trust Fund  
 20 in the Legislative Auditing Committee to fund the operation of  
 21 the Public Counsel for matters pertaining to insurance.

22           2. In accordance with s. 19(f)(2), Art. III of the  
 23 State Constitution, the Public Counsel Trust Fund shall  
 24 terminate on July 1, 2008, unless terminated sooner. Before  
 25 its scheduled termination, the trust fund shall be reviewed as  
 26 provided in s. 215.3206(1) and (2).

27           (b) The salaries and expenses of the Public Counsel  
 28 and his or her employees shall be allocated by the committee  
 29 only from moneys appropriated to the Public Counsel by the  
 30 Legislature.

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1           (2) The Legislature hereby declares and determines  
2 that the Public Counsel is under the legislative branch of  
3 government within the intention of the legislation as  
4 expressed in chapter 216, and no power shall be in the  
5 Executive Office of the Governor or its successor to release  
6 or withhold funds appropriated to it, but the same shall be  
7 available for expenditure as provided by law and the rules or  
8 decisions of the Joint Auditing Committee.

9           (3) Neither the Executive Office of the Governor nor  
10 the Department of Management Services or its successor shall  
11 have power to determine the number, or fix the compensation,  
12 of the employees of the Public Counsel or to exercise any  
13 manner of control over them.

14           Section 2. Subsection (3) is added to section 624.523,  
15 Florida Statutes, to read:

16           624.523 Insurance Regulatory Trust Fund.--

17           (3) An amount determined in the General Appropriations  
18 Act shall be transferred annually from the Chief Financial  
19 Officer's Regulatory Trust Fund to the Public Counsel Trust  
20 Fund for the purpose of funding the office of the Public  
21 Counsel for matters pertaining to insurance.

22           Section 3. This act shall take effect July 1, 2004, if  
23 SB \_\_\_\_\_ or similar legislation prescribing duties of the  
24 Public Counsel in insurance rate cases before the Department  
25 of Financial Services is adopted in the same legislative  
26 session or an extension thereof.

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SENATE SUMMARY

Creates a Public Counsel Trust Fund in the Legislative Auditing Committee to fund the operations of the Public Counsel with respect to insurance and provides for appropriations to the trust fund from the Chief Financial Officer's Regulatory Trust Fund. Provides for future review, and for termination or re-creation, of the fund.