

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.)

Prepared By: General Government Appropriations Committee

BILL: SB 1398

SPONSOR: Senator Clary

SUBJECT: Administrative Trust Fund

DATE: February 22, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hayes	Hayes	GA	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 1398 creates the Administrative Trust Fund within the Fish and Wildlife Conservation Commission (FWCC) effective July 1, 2005. This trust fund is established to be used for management activities that are commission-wide in nature and funded by indirect cost earnings or assessments against trust funds. Funds that will be credited to the Administrative Trust Fund will consist of indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees.

II. Present Situation:

Article III, Section 19(f) of the Florida Constitution requires that trust funds pass with a 3/5 vote in each house and be in a separate bill for the sole purpose of creating that trust fund. The constitution also requires that all agency trust funds terminate every four years unless recreated.

Florida Statutes 215.3208 (1) provides that, in order to implement Article III, Section 19(f) of the Florida Constitution, a schedule for review of trust funds be included in the legislative budget instructions developed pursuant to Florida Statutes 216.023. Trust Funds in FWCC are scheduled for review this year.

In order to meet accounting standards established by the Government Accounting Standards Board (GASB), section 215.32, Florida Statutes was amended last session to require that agencies have certain trust funds for day-to-day operations. One of the required trust funds is an administrative trust fund. FWCC currently does not have an administrative trust fund. With its scheduled review of trust funds, the agency has requested and the Governor has recommended the creation of this trust fund to comply with section 215.32, F.S.

III. Effect of Proposed Changes:

The creation of this trust fund for FWCC will allow the agency to receive funds from indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees. The agency will use this trust fund as a depository for funds to be used for management activities that are commission-wide in nature and funded by indirect cost earnings or assessments against trust funds.

The trust fund will terminate in four years, on July 1, 2009, pursuant to Article II, Section 19(f)(2).

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

SB 1398, creating a new trust fund, must pass by a 3/5 vote of the membership of each house to become law pursuant to section 19(f)(1), Article III, Florida Constitution.

D. Other Constitutional Issues:**V. Economic Impact and Fiscal Note:****A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Creating the Administrative Trust Fund within the FWCC should result in improved segregation of funds, accounting records, and ability to analyze the revenues and expenditures of the Commission.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

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

VIII. Summary of Amendments:

None.

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