

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Transportation and Economic Development Appropriations  
Committee

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BILL: SB 2144

INTRODUCER: Senator Fasano

SUBJECT: Trust Funds within the Department of State

DATE: February 28, 2008

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Belcher	Noble	TA	<b>Favorable</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

Senate Bill 2144 makes changes to certain trust funds pursuant to section 215.3206, Florida Statutes, which requires a legislative review of each of the trust funds in an agency subject to the four-year review cycle. The bill terminates three trust funds within the Department of State and redirects deposits to an existing trust fund within the department.

The bill has an effective date of July 1, 2009.

This bill amends the following sections of the Florida Statutes: 257.43, 265.284, 265.703, 267.0617, 267.0619, 267.072, 267.0731, 267.074, 267.081, 267.115, 267.17, and 267.174.

**II. Present Situation:**

A review of trust funds is required by s. 215.3208, F.S., and s. 19(f), Art. III of the State Constitution. The Legislature, through the legislative budget instructions, has placed agencies on a review cycle to facilitate the review and recreation of trust funds.

An analysis of the trust funds under the jurisdiction of the Senate Transportation of Economic Development Appropriation Committee resulted in the following findings in the Department of State.

The **Operating Trust Fund** is used specifically in the Elections Program and the Historical Resources Program. Although the moneys are deposited into and disbursed from the same trust fund, program funds are accounted for separately within the trust fund.

The Operating Trust Fund serves as a depository for funds that must be distributed to authorized entities or recipients. These include candidate filing fees, notary surcharges, campaign finance contributions, elections assessments, and fines. According to s. 215.32, F.S., a Clearing Funds Trust Fund serves as a depository for funds to account for collections pending distribution to lawful recipients. The creation of the Clearing Funds Trust Fund within the Department of State is the subject of Senate Bill 2138.

The (Historical Resources) Operating Trust Fund is currently the depository for specific federal grants, rental fees, private donations, royalties, and copy charges. According to s. 215.32, F.S., a Federal Grants Trust Fund is the appropriate depository for federal funds. The creation of a Federal Grants Trust Fund within the Department of State is the subject of Senate Bill 2136. Other receipts could be redirected to the department's Grants and Donations Trust Fund, which is defined in s. 215.32, F.S., as a depository for funds to be used for allowable grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources.

The **Library Services Trust Fund** is currently the depository for specific federal grants, private donations and grants, lost book fees, and copy charges. According to s. 215.32, F.S., a Federal Grants Trust Fund is the appropriate depository for federal funds. The creation of a Federal Grants Trust Fund within the Department of State is the subject of Senate Bill 2136. Non-federal receipts could be deposited into the Department's Grants and Donations Trust Fund.

The **Fine Arts Trust Fund** is currently the depository for specific federal grants. According to s. 215, F.S., a Federal Grants Trust Fund is the appropriate depository for federal funds. The creation of a Federal Grants Trust Fund within the Department of State is the subject of Senate Bill 2136.

### III. **Effect of Proposed Changes:**

The bill terminates the following trust funds within the Department of State.

**Operating Trust Fund, FLAIR number 45-2-510**

**Library Services Trust Fund, FLAIR number 45-2-450**

**Fine Arts Trust Fund, FLAIR number 45-2-279**

All current balances remaining in the terminated trust funds are transferred to the Grants and Donations Trust Fund within the Department of State.

The bill also changes statutory references from the (Historical Resources) Operating Trust Fund to the Grants and Donations Trust Fund with the Department of State.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

## A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

## B. Amendments:

None.