

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: HB 7065 PCB CCJ 09-02 Department of Law Enforcement Administrative Trust Fund
SPONSOR(S): Criminal & Civil Justice Appropriations Committee and Adams
TIED BILLS: **IDEN./SIM. BILLS:** SB 1110

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	<u>Criminal & Civil Justice Appropriations Committee</u>	<u>8 Y, 0 N</u>	<u>McAuliffe</u>	<u>Davis</u>
1)	<u>Full Appropriations Council on General Government & Health Care</u>	<u></u>	<u>McAuliffe</u>	<u>Leznoff</u>
2)	<u></u>	<u></u>	<u></u>	<u></u>
3)	<u></u>	<u></u>	<u></u>	<u></u>
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I. SUMMARY

Section 19(f), Article III of the Florida Constitution governs the creation of trust funds. It provides that no trust fund of the state or other public body may be created without a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only. The Florida Constitution also specifies that state trust funds shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund, unless the Legislature by law sets forth a shorter time period.

Currently, the Administrative Trust Fund within the Florida Department of Law Enforcement is scheduled to be terminated on July 1, 2010. This bill re-creates the trust fund without modification, and repeals the provisions that would have terminated the trust fund. The bill recreates a trust fund; therefore it must pass with a three-fifths vote of the membership of each house of the Legislature.

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 943.367, Florida Statutes.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund was created for use as a depository for funds to be used for management activities that are department-wide in nature and funded by indirect cost earnings or assessments against trust funds.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Funds credited to this trust fund include indirect cost reimbursements from grantors, administrative assessments against trust funds, interest earnings, and other appropriate administrative fees.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

In Fiscal Year 2008-09, the Legislature appropriated \$511,412 for administrative activities in the department, which was the anticipated amounts of receipts.

B. EFFECT OF PROPOSED CHANGES:

The bill re-creates the trust fund without modification.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

None.

V. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES