

**HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS**

**BILL #:** HB 7071 PCB CCJ 09-05 Department of Corrections Federal Grants Trust Fund

**SPONSOR(S):** Criminal & Civil Justice Appropriations Committee and Adams

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1090

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	<u>Criminal &amp; 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 &amp; Health Care</u>	<u></u>	<u>McAuliffe</u>	<u>Leznoff</u>
2)	<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.

The Federal Grants Trust Fund within the Florida Department of Corrections will terminate on July 1, 2010. This bill re-creates the trust fund within the Florida Department of Corrections 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 945.21503, Florida Statutes.

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

These funds are used for programs and purposes specified by the federal government. Federal grants are provided to the Department of Corrections for adult basic education, special education, and vocational programming; for reimbursement of state criminal alien assistance; to provide nutritional meals for youthful offenders; for prisoner reentry initiatives; for substance abuse treatment and rehabilitation programs; for purchase of safety equipment, and other purposes identified when granted.

#### 3. MAJOR SOURCES OF REVENUE FOR THE FUND:

The Federal Grants Trust Fund consists of funds received from federal grants.

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

In Fiscal Year 2008-09, the Legislature appropriated \$36,621,138 from the Federal Grants Trust Fund based on anticipated federal grant awards to the department.

### 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