

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: HB 7073 PCB CCJ 09-06 Department of Law Enforcement Federal Grants Trust Fund
SPONSOR(S): Criminal & Civil Justice Appropriations Committee and Adams
TIED BILLS: **IDEN./SIM. BILLS:** SB 1084

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Criminal & Civil Justice Appropriations Committee	8 Y, 0 N	McAuliffe	Davis
1)	Full Appropriations Council on General Government & Health Care	28 Y, 0 N	McAuliffe	Leznoff
2)				
3)				
4)				
5)				

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 Federal Grants Trust Fund within the Department of Law Enforcement is scheduled to be terminated on July 1, 2010. This bill re-creates the trust fund within the Department of Law Enforcement 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.

I. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 943.366, 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 allowable grant activities funded by restricted program revenues. The Federal Grants Trust Fund consists of funds received from the Federal Government. Their moneys are used for affordable grant funds for law enforcement activities throughout the State of Florida.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Funds credited to this trust fund consist of grants and funding from the federal government, interest earnings, and cash advances from other trust funds.

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

In Fiscal Year 2008-09, the Legislature appropriated \$68,840,673 for law enforcement activities at both the state and local level, which was the anticipated amount of receipts.

B. EFFECT OF PROPOSED CHANGES:

The bill re-creates the trust fund without modification.

II. 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.

III. COMMENTS

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES