

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

**BILL #:** HB 7075 PCB CCJ 09-07 State Court System Operating Trust Fund

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

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1106

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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.

Currently, the Operating Trust Fund within the state courts system is scheduled to be terminated on July 1, 2010. This bill re-creates the Operating Trust Fund within the state courts system without modification, and repeals the provisions that would have terminated the trust fund.

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 25.3844, Florida Statutes.

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

This trust fund supports the program operations of the judicial branch and other purposes as may be appropriate, and may be expended only pursuant to legislative appropriation or an approved amendment to the agency's operating budget pursuant to the provisions of chapter 216. The Operating Trust Fund pays for operations in all levels of the state courts system.

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

This trust fund was created for use as a depository of fees and other court related revenue.

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

For the current fiscal year, the Legislature has appropriated \$10 million from this trust fund.

### 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