

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.)

Prepared By: The Professional Staff of the General Government Appropriations Committee

BILL: SB 2790

INTRODUCER: Senator Negrón

SUBJECT: Grants and Donations Trust Fund/Department of Financial Services

DATE: April 19, 2010 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Frederick	DeLoach	GA	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates the Grants and Donations Trust Fund within the Department of Financial Services (department). The trust fund is established to be used for allowable grant and donor agreement activities funded by restricted contractual revenue. Funds that will be credited to the Grants and Donations Trust Fund will consist of grants and donations from private and public nonfederal sources, interest earnings, and cash advances from other trust funds. The bill becomes effective on the same date that SB 8 or similar legislation takes effect, if such legislation is enacted in the same legislative session or an extension thereof, and becomes law.

This bill does not substantially amend, create, or repeal any of the Florida Statutes.

II. Present Situation:

Section 19(f), Art. III of the State Constitution requires that every trust fund be created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless recreated.

In order to meet accounting standards established by the Government Accounting Standards Board, s. 215.32, F.S., requires that agencies have trust funds for day-to-day operations. One of the required trust funds is a grants and donations trust fund. The department currently does not have a grants and donations trust fund. The creation of this trust fund complies with s. 215.32, F.S.

III. Effect of Proposed Changes:

The creation of this trust fund will allow the department to receive funds from grants and donations from private and public nonfederal sources, interest earnings, and cash advances from other trust funds. Pursuant to s. 215.32, F.S., the department will use this trust fund as a depository for funds to be used for allowable grant and donor agreement activities funded by restricted contractual revenue.

The creation of the trust fund is contingent upon passage of SB 8 or similar legislation taking effect and will align agency accounts with the requirements of s. 215.32, F. S.

The trust fund will terminate four years after creation, pursuant to s. 19 (f)(2), Art. III of the State Constitution, unless re-created by the Legislature.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

This bill, creating a new trust fund, must pass by a three-fifths vote of the membership of each house to become law pursuant to s. 19 (f), Art. III of the State Constitution.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Creation of the Grants and Donations Trust Fund within the department will result in improved segregation of funds and accounting records.

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.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
