

**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 Budget Committee

BILL: SB 1022

INTRODUCER: Budget Subcommittee on Criminal & Civil Justice Appropriations

SUBJECT: Operating Trust Fund/Department of Legal Affairs

DATE: February 14, 2011      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sneed	Meyer	BC	<b>Pre-meeting</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill re-creates the Operating Trust Fund within the Department of Legal Affairs without modification, and repeals the provisions that would have terminated the trust fund. This bill repeals s. 20.111(3), Florida Statutes. The bill would become effective July 1, 2011.

**II. Present Situation:**

Currently, the Operating Trust Fund within the Department of Legal Affairs is scheduled to be terminated on July 1, 2012. Article III, Section 19(f) of the Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless exempt by the Constitution or operation of law. This trust fund was created for use as a depository for funds to be used for program operations funded by program revenues. Trust fund receipts primarily consist of fines, forfeitures, and judgments in actions involving violations of state laws. The funds are used to support the program activities of the Office of Statewide Prosecution and the Medicaid Fraud Control Unit. For the current year, the legislature has appropriated \$5.7 million from this trust fund.

**III. Effect of Proposed Changes:**

This bill re-creates the trust fund without modification.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

This bill 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.

**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.