

**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.)

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Prepared By: The Professional Staff of the Budget Subcommittee on General Government Appropriations

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BILL: SPB 7038

INTRODUCER: General Government Appropriations Subcommittee

SUBJECT: Operations Trust Fund/Department of Revenue

DATE: February 3, 2011

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Blizzard	DeLoach		<b>Pre-meeting</b>
2.				
3.				
4.				
5.				
6.				

**I. Summary:**

This bill re-creates and renames the Operations Trust Fund, FLAIR number 73-2-510, within the Department of Revenue. The Operations Trust Fund is renamed the Operating Trust Fund. This trust fund serves as a depository for funds to be used for program operations funded by program revenues. The re-creation and renaming of this fund is effective beginning July 1, 2011.

This bill repeals section 215.198, Florida Statutes.

**II. Present Situation:**

Section 19(f), Art. III of the State Constitution requires the termination of all state trust funds no later than four years after their initial creation unless re-created or exempted from termination by the State Constitution or operation of law. Section 215.198, F.S., creates the Operations Trust Fund within the Department of Revenue. The Operations Trust Fund serves as a depository for funds to be used for program operations funded by program revenues.

The Operations Trust Fund will terminate on July 1, 2012, if no action is taken by the legislature to re-create. Re-creation requires a three-fifths vote of the membership of each house of the legislature.

**III. Effect of Proposed Changes:**

The Operations Trust Fund within the Department of Revenue will be re-created and renamed the Operating Trust Fund prior to the scheduled termination date of July 1, 2012. This bill re-

creates and renames the trust fund to reflect the fund name in the legislative budgeting system. The purpose of the fund is not modified.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to s. 19(f), Article III of the Florida Constitution, re-creation of the Operations Trust Fund must pass by a three-fifths vote of the membership of each house of the Legislature.

**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 and renames 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.

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

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