

FINAL BILL ANALYSIS

BILL #: SB 1012

FINAL HOUSE FLOOR ACTION:

116 Y's 0 N's

SPONSOR: Budget Subcommittee on Criminal
and Civil Justice Appropriations
(Rep. Glorioso)

GOVERNOR'S ACTION: Approved

COMPANION BILLS: HB 7063

SUMMARY ANALYSIS

SB 1012 passed the Senate on March 15, 2011, and subsequently passed the House on April 6, 2011. The bill was approved by the Governor on May 2, 2011, chapter 2011-16, Laws of Florida, and becomes effective July 1, 2011.

The State Attorneys Revenue Trust Fund, FLAIR number 21-2-058, is administered by the Justice Administrative Commission. This fund was created effective February 1, 2009, by chapter 2009-8, Laws of Florida. This legislation re-creates the State Attorneys Revenue Trust Fund without modification, effective July 1, 2011. This bill also repeals the provision for the scheduled termination of the trust fund.

I. SUBSTANTIVE INFORMATION

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-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 re-created. The State Attorneys Revenue Trust Fund was created in the Justice Administrative Commission effective February 1, 2009, by chapter 2009-8, Laws of Florida, in section 27.367, Florida Statutes and is scheduled to terminate on July 1, 2012.

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

This trust fund is used for the operational expenditures related to the State Attorneys.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of certain court costs for criminal convictions, worthless check diversion program fees, costs of prosecution fees, Article V funds and a portion of the assessment for all noncriminal moving and nonmoving traffic violations.

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

The total projected receipts into this fund for the current year are \$ 32.1 million and current year appropriations from the fund are \$ 33.2 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the State Attorneys Revenue Trust Fund without modification, effective July 1, 2011. This bill also repeals the provision for the scheduled termination of the trust fund.

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.