

FINAL BILL ANALYSIS

BILL #: SB 1022

FINAL HOUSE FLOOR ACTION:

115 Y's 0 N's

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

GOVERNOR'S ACTION: Approved

COMPANION BILLS: HB 7071

SUMMARY ANALYSIS

SB 1022 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 2011-21, Laws of Florida, and becomes effective July 1, 2011.

The Operating Trust Fund, FLAIR number 41-2-510, is administered by the Department of Legal Affairs. This fund was created effective July 1, 2008, by chapter 2007-10, Laws of Florida. This legislation re-creates the Operating 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 Operating Trust Fund was created in the Department of Legal Affairs effective July 1, 2008, by chapter 2007-10, Laws of Florida, in section 20.111, 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 as a depository for funds to be used for program operations funded by program revenues.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Sources include state funds transferred in and other transferred funds that specifically support the program activities of the Office of Statewide Prosecution and the Medicaid Fraud Control Unit.

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 \$4.8 million and current year appropriations from the fund are \$5.7 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Operating 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.