

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: CS/SB 2026
INTRODUCER: Budget Committee and Criminal and Civil Justice Appropriations Subcommittee
SUBJECT: Capital Collateral Regional Counsel Trust Fund/Justice Administrative Commission
DATE: January 24, 2012 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkness	Rhodes	BC	Fav/CS
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill re-creates the Capital Collateral Regional Counsel Trust Fund within the Justice Administrative Commission without modification, and repeals the provisions that would have terminated the trust fund. This bill repeals s. 27.715(2), Florida Statutes. The bill would become effective July 1, 2013.

II. Present Situation:

Currently, the Capital Collateral Regional Trust Fund within the Justice Administrative Commission is scheduled to be terminated on July 1, 2013. 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. Funds credited to this trust fund consist of compensation and reimbursements received from the federal government pursuant to 18 U.S.C. s. 3006A for legal representation in both state and federal capital post-conviction proceedings to any person convicted and sentenced to death in Florida who is without counsel due to indigency. For the current year, the legislature has appropriated \$400,000 from this trust fund. The trust fund is estimated to receive \$400,480 during Fiscal Year 2012-13 and the fund balance is estimated to be \$810,612 on June 30, 2013.

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.)

CS by Budget Committee on January 19, 2012:

The committee substitute clarifies the purpose, source, and administration of the trust fund as follows.

- The trust fund is to be used for capital post conviction proceedings for indigent offenders;
- Compensation and reimbursements received from the federal government pursuant to 18 U.S.C. s. 3006A; and,
- Specifies the Justice Administrative Commission shall administer the trust fund.

B. Amendments:

None.