

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 Appropriations Committee

BILL: SB 210

INTRODUCER: Senator Gardiner

SUBJECT: Clearing Funds Trust Fund/Department of State

DATE: January 22, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Pingree	Hansen	AP	Pre-meeting
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 210 re-creates, without modification, the Clearing Funds Trust Fund within the Department of State. The bill is effective July 1, 2013, and has no fiscal impact on state or local funds.

This bill repeals section 20.104(3), Florida Statutes.

II. Present Situation:

Article III, s. 19(f) of the Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless the trust fund is exempted by the constitution or operation of law.

The Clearing Funds Trust Fund within the Department of State, which was created July 1, 2010, by ch. 2010-16, L.O.F., is scheduled to be terminated on July 1, 2014. Pursuant to s. 215.32(2)(b)2.f., F.S., a clearing funds trust fund is used as a depository for funds to account for collections pending distribution to lawful recipients. Funds deposited in this trust fund in the Department of State consist of candidate filing fees, notary surcharges, campaign finance contributions, elections assessments, and cable franchise fees.

III. Effect of Proposed Changes:

The Clearing Funds Trust Fund within the Department of State is re-created without modification. Section 20.104(3), F.S., which terminates the trust fund on July 1, 2014, is repealed.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Pursuant to Art. III, s. 19(f)(1), of the Florida Constitution, the bill that re-creates the Clearing Funds Trust Fund in the Department of State must pass by a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

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 an existing state trust fund without changing 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.

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