

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 Committee on Appropriations

BILL: SB 220

INTRODUCER: Senator Bradley

SUBJECT: Capital Collateral Regional Counsel Trust Fund/Justice Administrative Commission

DATE: January 24, 2013 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkness	Hansen	AP	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 220 re-creates, without modification, the Capital Collateral Regional Counsel Trust Fund within the Justice Administrative Commission. The bill is effective July 1, 2013, and has no fiscal impact on state or local funds.

This bill repeals section 27.715(2), 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 Capital Collateral Regional Trust Fund within the Justice Administrative Commission is scheduled to be terminated on July 1, 2013. Funds credited to this trust fund consist of reimbursements received from the federal government for legal representation in federal capital post-conviction proceedings.¹ Capital Collateral Regional Counsel attorneys provide representation to any person convicted and sentenced to death in Florida who is without counsel due to indigency. These attorneys are eligible to receive reimbursement at an hourly rate from the federal government for case-related expenses (e.g., preparation of legal briefs) incurred when they represent their clients in federal court.

¹ 18 U.S.C. s. 3006A.

For Fiscal Year 2012-2013, the Legislature appropriated \$400,000 from this trust fund. The trust fund is estimated to receive \$424,438 during Fiscal Year 2012-2013 and the fund balance is estimated to be \$960,467 on June 30, 2013.

III. Effect of Proposed Changes:

The Capital Collateral Regional Counsel Trust Fund is re-created without modification. Section 27.715(2), F.S., which terminates the trust fund on July 1, 2013, is repealed.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, a bill that re-creates a trust fund must pass by a three-fifths vote of the membership of each house 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, 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.)

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.
