

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7087 PCB JUA 19-01 Trust Funds/Termination/Public Defenders Revenue Trust Fund/JAC

SPONSOR(S): Justice Appropriations Subcommittee, Yarborough

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee	10 Y, 0 N	Smith	Gusky
1) Appropriations Committee	22 Y, 0 N	Smith	Pridgeon

SUMMARY ANALYSIS

The Public Defenders Revenue Trust Fund, FLAIR number 21-2-059, was created as a depository for funds to be used to fund the activities of the public defenders. Currently, the Justice Administrative Commission administers the trust fund.

The bill terminates the Public Defenders Revenue Trust Fund within the Justice Administrative Commission (JAC). The bill transfers any balances and revenue to the Indigent Criminal Defense Trust Fund and directs the JAC on the procedure for paying any outstanding debts or obligations of the trust fund and the trust funds removal from the State's accounting system. The bill makes conforming changes to statute to redirect future revenues to the Indigent Criminal Defense Trust Fund in the JAC.

The bill has an effective date of July 1, 2019.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

The Indigent Criminal Defense Trust Fund was created in 1996 as a depository of funds to be used for the purposes of indigent criminal defense as appropriated by the Legislature to the public defenders.¹ The Public Defenders Revenue Trust Fund, FLAIR number 21-2-059, was created in 2009 as a depository for Article V funds to be used to fund the activities of the public defenders.² Activities of the public defenders are related to the defense of any person determined to be indigent.³ Currently, the Justice Administrative Commission administers both trust fund. The purposes of the trust funds are the same.

The Fiscal Year 2018-2019 General Appropriations Act transferred \$2.6 million in budget authority from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund. The Fiscal Year 2018-2019 Implementing Bill transferred the balances and obligations of the trust fund to the Indigent Criminal Defense Trust Fund⁴ and made conforming changes to statutes to redirect future revenues to the Indigent Criminal Defense Trust Fund in the JAC.⁵ The statutory changes made in the Fiscal Year 2018-2019 Implementing Bill expire July 1, 2019.⁶

No operating budget authority remains in the Public Defenders Revenue Trust Fund, so there is no longer a need for JAC to keep the fund active.

Effect of Proposed Changes

The bill terminates the Public Defenders Revenue Trust Fund within the Justice Administrative Commission. The bill transfers any remaining balances and revenue to the Indigent Criminal Defense Trust Fund and directs the JAC on the procedure for paying any outstanding debts or obligations of the trust fund and the trust funds removal from the State's accounting system. The bill makes conforming changes to statute to redirect future revenues to the Indigent Criminal Defense Trust Fund in the JAC.

B. SECTION DIRECTORY:

Section 1: Terminates the Public Defenders Revenue Trust Fund; provides for the disposition of balances in, revenues of, and all outstanding appropriations of the trust fund; prescribes procedures for the termination of the trust fund.

Section 2: Repeals s. 27.61, F.S., relating to the creation of the Public Defenders Revenue Trust Fund.

Section 3: Amends s. 318.18, F.S., redirecting \$1.67 of an existing Article V assessment of \$10 for all noncriminal moving and nonmoving violations from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund.

Section 4: Amends s. 817.568, F.S., redirecting \$250 of an existing \$1,001 surcharge for criminal use of personal identification violations from the Public Defenders Revenue Trust Fund to the Indigent Criminal Defense Trust Fund.

Section 5: Provides an effective date for the bill.

¹ s. 27.525, F.S.

² s. 27.61, F.S.

³ s. 27.51, F.S.

⁴ Sections 39, 40, 41 and 42, Ch. 2018-10, Laws of Fla.

⁵ Section 43, Ch 2018-10, Laws of Fla.

⁶ *Ibid*

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill requires all remaining balances in, and all revenues of the Public Defenders Revenue Trust Fund to be transferred to the Indigent Criminal Defense Trust Fund within the Justice Administrative Commission.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

D. FISCAL COMMENTS:

This bill eliminates an existing trust fund.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES