

**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.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: CS/SB 1264

INTRODUCER: Judiciary Committee and Senator Bracy

SUBJECT: Ocoee Election Day Riots Descendant Compensation Trust Fund/Department of Legal Affairs

DATE: January 23, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Elsesser</u>	<u>Cibula</u>	<u>JU</u>	<u>Fav/CS</u>
2.	<u>                    </u>	<u>                    </u>	<u>ACJ</u>	<u>                    </u>
3.	<u>                    </u>	<u>                    </u>	<u>AP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1264 creates the Ocoee Election Day Riots Descendant Compensation Trust Fund, a depository for funds to be used in the Ocoee Election Day Riots Descendant Compensation Fund Program described in SB 1262.

**II. Present Situation:**

**Constitutional and statutory requirements for trust funds**

A trust fund consists of monies received by the State which, under law or a trust agreement, are set aside for a purpose authorized by law. Article III, section 19(f) of the Florida Constitution prohibits the creation of a trust fund by law without a three-fifths vote by each legislative house, in a separate bill for the trust fund only.

Additionally, the Legislature has established criteria governing trust funds. Section 215.3207, F.S., requires that statutory language creating a trust fund specify:

- The name of the trust fund.
- The agency or branch of state government responsible for administering the trust fund.
- The requirements or purposes that the trust fund is established to meet.
- The sources of monies to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.

Article III, section 19(2)(f) of the Florida Constitution requires that trust funds terminate no more than 4 years after the effective date of the act authorizing their creation.

### **III. Effect of Proposed Changes:**

The bill creates the Ocoee Election Day Riots Descendant Compensation Trust Fund within the Department of Legal Affairs. The trust fund is a depository for funds to be used in the Ocoee Election Day Riots Descendant Compensation Fund Program described in SB 1262. The bill requires the Department of Legal Affairs to administer the trust fund.

The bill states that any balance remaining in the trust fund at the end of any fiscal year shall remain in the trust fund. The bill states that the trust fund shall be terminate July 1, 2024, if not sooner.

The bill takes effect on the date that SB 1262 takes effect, which is July 1, 2020.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

This bill must be approved by a three-fifths vote of each house of the Legislature.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 16.631, Florida Statutes.

**IX. Additional Information:**

- A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Judiciary on January 21, 2020:**

The Committee Substitute differs from the underlying bill by removing language specifying an appropriations amount.

- B. Amendments:

None.