

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 on Criminal and Civil Justice

BILL: SPB 7014

INTRODUCER: For consideration by the Appropriations Committee on Criminal and Civil Justice

SUBJECT: Trust Funds

DATE: March 4, 2025

REVISED: _____

ANALYST

Kolich

STAFF DIRECTOR

Harkness

REFERENCE

ACTION

Pre-meeting

I. Summary:

SPB 7014 terminates the Mediation and Arbitration Trust Fund within the State Courts System.

The bill takes effect July 1, 2025.

II. Present Situation:

Trust Funds

Article III, s. 19(f) of the Florida Constitution requires the termination of all state trust funds within four years after their initial creation, unless the trust fund is exempted by the constitution or operation of law. If a trust fund was created pursuant to law, it should be reviewed, and either re-created after its initial creation or terminated, to prevent its automatic termination by the Florida Constitution. In subsequent reviews, the trust fund should be recommended for retention, if it is still necessary, or recommended for termination if it is no longer needed. To stagger trust fund reviews, a schedule is set forth each year listing which agency's trust funds are up for legislative review.¹

When the Legislature terminates a trust fund, the agency that administers the trust fund is required to pay all outstanding debts or obligations of the trust fund as soon as practicable, and the Chief Financial Officer is required to close out and remove the trust fund from the various state financial systems, using generally accepted accounting principles concerning assets, liabilities, and warrants outstanding.²

¹ Section 215.3208, F.S.

² *Id.*

Any moneys in a trust fund at the time it is terminated may be distributed as determined by the Legislature. If no such determination is made, the funds remaining after all outstanding obligations of the fund are met are deposited into the General Revenue Fund.³

The Mediation and Arbitration Trust Fund

The Mediation and Arbitration Trust Fund, FLAIR Number 22-2-213, was created within the State Courts System (SCS) in 1990. The funds were authorized to be used by the Supreme Court to carry out its responsibilities set forth in s. 44.106, F.S., which related to standards for mediator and arbitrator qualifications.⁴

In 2011 the Legislature redirected collected fees from the Mediation and Arbitration Trust Fund to the State Courts Revenue Trust Fund and eliminated all statutory references to the trust fund.⁵

III. Effect of Proposed Changes:

This bill terminates the Mediation and Arbitration Trust Fund within the State Courts System. There is no current balance in the trust fund.

The bill is effective July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

³ *Id.*

⁴ Chapter 1990-188, Laws of Florida.

⁵ Chapter 2011-133, Laws of Florida.

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:

The bill creates an undesignated section of law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.