

# HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

**BILL #:** PCB JUAS 11-03 Public Defenders Revenue Trust Fund/JAC

**SPONSOR(S):** Justice Appropriations Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1014

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Justice Appropriations Subcommittee	13 Y, 0 N	Toms	Jones Darity

## I. SUMMARY

The Public Defenders Revenue Trust Fund, FLAIR number 21-2-059, is administered by the Justice Administrative Commission. This fund was created effective February 1, 2009, by chapter 2009-9, Laws of Florida. This legislation re-creates the Public Defenders Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

## II. SUBSTANTIVE ANALYSIS

### A. PRESENT SITUATION:

#### 1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that every trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of creating that trust fund. The Constitution also provides that all newly created trust funds terminate not more than four years after the initial creation unless re-created. The Public Defenders Revenue Trust Fund was created in the Justice Administrative Commission effective February 1, 2009, by chapter 2009-9, Laws of Florida, in section 27.61, Florida Statutes and is scheduled to terminate on July 1, 2012.

#### 2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used for the operational expenditures related to the Public Defenders.

#### 3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of a portion of an assessment for all noncriminal moving and nonmoving traffic violations.

#### 4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$4.2 million and current year appropriations from the fund are \$4.8 million.

### B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Public Defenders Revenue Trust Fund without modification, effective July 1, 2011, provided that it is enacted by three-fifths of the membership of both houses of the Legislature. This bill also repeals the provision for the scheduled termination of the trust fund.

## III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation 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.

## IV. COMMENTS

None.

## V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES