

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB JUAS 11-06 Operating Trust Fund/DLA

SPONSOR(S): Justice Appropriations Subcommittee

TIED BILLS: **IDEN./SIM. BILLS:** SB 1022

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

I. SUMMARY

The Operating Trust Fund, FLAIR number 41-2-510, is administered by the Department of Legal Affairs. This fund was created effective July 1, 2008, by chapter 2007-10, Laws of Florida. This legislation re-creates the Operating 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 Operating Trust Fund was created in the Department of Legal Affairs effective July 1, 2008, by chapter 2007-10, Laws of Florida, in section 20.111, 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 as a depository for funds to be used for program operations funded by program revenues.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Sources include state funds transferred in and other transferred funds that specifically support the program activities of the Office of Statewide Prosecution and the Medicaid Fraud Control Unit.

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 \$4.8 million and current year appropriations from the fund are \$5.7 million.

B. EFFECT OF PROPOSED CHANGES:

This legislation re-creates the Operating 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