

# HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

**BILL #:** PCB PKAS 11-01 Operating Trust Fund/DOE

**SPONSOR(S):** PreK-12 Appropriations Subcommittee

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

| REFERENCE   | ACTION    | ANALYST | STAFF DIRECTOR or<br>BUDGET/POLICY CHIEF |
|---|-----------|---------|--|
| Orig. Comm.: PreK-12 Appropriations<br>Subcommittee | 12 Y, 0 N | Keith   | Heflin                                   |

## I. SUMMARY

This bill re-creates the Operating Trust Fund, FLAIR number 48-2-510, within the Department of Education without modification. The trust fund serves as a depository for funds to be used for program operations funded by program revenues.

This bill has an effective date of July 1, 2011; however, it does not take effect without a three-fifths vote of the membership of each house of the Legislature.

## II. SUBSTANTIVE ANALYSIS

### A. PRESENT SITUATION:

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

Pursuant to section 19(f), Article III of the State Constitution, a trust fund of the state of Florida or other public body may only be created or recreated by law in a separate bill. This bill creating or recreating the trust fund must pass with a three-fifths vote of the membership of each house of the legislature. A state trust fund must generally terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.

Section 1001.281(1), F.S., creates the Operating Trust Fund within the Department of Education. The Operating Trust Fund serves as a depository for funds to be used for program operations funded by program revenues.

The Operating Trust Fund will terminate on July 1, 2012, if no action is taken by the legislature to re-create the fund.

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

The funds located within the Department of Education's Operating Trust Fund are used for program operations funded by program revenues.

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

Moneys to be credited to the trust fund include, but are not limited to, revenues received from fees for General Equivalency Diploma (GED) testing and the leasing of available time for the state's satellite transponder resources.

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

Total revenues available for the 2010-2011 fiscal year for this fund are estimated to be \$2,386,761. The current year appropriation is \$1,673,343.

### B. EFFECT OF PROPOSED CHANGES:

The bill re-creates the trust fund without modification.

The bill re-creates the Operating Trust Fund within the Department of Education without modification.

This bill repeals section 1001.281(4), Florida Statutes, which provides for termination of the trust fund on July 1, 2012.

## 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

## V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES