

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 651 Department of Agriculture and Consumer Services

SPONSOR(S): Rivera and others

TIED BILLS: IDEN./SIM. BILLS: SB 1158

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Natural Resources Appropriations Committee		Bellflower	Dixon
2)	Full Appropriations Council on Education & Economic Development			
3)				
4)				
5)				

SUMMARY ANALYSIS

The 2009 Legislature transferred over \$588 million from various trust funds to the General Revenue Fund in the General Appropriations Act. This amount included a \$6 million transfer from the Division of Licensing Trust Fund. This transfer was vetoed by Governor Crist.

Section 215.32(2)(b)4.a., F.S., allows the Legislature to transfer cash balances from various trust funds to the General Revenue Fund or the Budget Stabilization Fund notwithstanding any other law to the contrary. There are currently statutory exemptions to this in subparagraph 4.b., such as:

- trust funds required by federal programs or mandates;
- trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body;
- the State Transportation Trust Fund;
- the trust fund containing the net annual proceeds from the Florida Education Lotteries,
- the Florida Retirement System Trust Fund;
- trust funds under the management of the State University System where trust funds used for auxiliary purposes, self-insurance and contracts, grants, and donations, as those terms are defined by general law;
- trust funds that serve as the clearing funds or accounts for the Chief Financial Officer or state agencies;
- trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and
- other trust funds authorized by the State Constitution.

This bill amends s. 215.32(2)(b) 4.b., F.S., to add the Division of Licensing Trust Fund within the Department of Agriculture and Consumer Services to this exemption list. This trust fund is the depository for license fees for concealed weapons permits and other various permit fees.

This legislation shall take effect upon becoming a law.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Present Situation:

Article I, Section 8(a), of the Florida Constitution, states that the right of the people to keep and bear arms in defense of themselves and of the lawful authority of the state shall not be infringed, except that the manner of bearing arms may be regulated by law.

The Division of Licensing within the Department of Agriculture and Consumer Services issues concealed weapons and firearms licenses, and protects the public from unethical business practices by licensing and regulating persons who provide private security, private investigative, and recovery services.

Section 483.6117, F.S., creates the Division of Licensing Trust Fund within the Department of Agriculture and Consumer Services. Funds that are deposited into this trust fund include application fees, license fees, and renewal fees for concealed weapons permits, security officers, private investigators, security office school instructors, recovery agents, firearms license, firearms instructors, and law enforcement officers. The trust fund is used to support and pay for the Division of Licensing program.

The 2009 Legislature included a \$6 million transfer from the Licensing Trust Fund to the General Revenue Fund in the General Appropriations Act. This transfer was vetoed by Governor Crist.

Section 215.32(2)(b)4.a., F.S., states that notwithstanding any provision of law restricting the use of trust funds for specific purposes, unappropriated cash balances from selected trust funds may be authorized by the Legislature for transfer to the Budget Stabilization Fund and General Revenue Fund in the General Appropriations Act.

Currently, the funds listed below are exempt from this provision under s. 215.32(2)(b) 4.b., F.S.:

- trust funds required by federal programs or mandates;
- trust funds established for bond covenants, indentures, or resolutions whose revenues are legally pledged by the state or public body to meet debt service or other financial requirements of any debt obligations of the state or any public body;
- the State Transportation Trust Fund;
- the trust fund containing the net annual proceeds from the Florida Education Lotteries,
- the Florida Retirement System Trust Fund;

- trust funds under the management of the State University System where trust funds used for auxiliary purposes, self-insurance and contracts, grants, and donations, as those terms are defined by general law;
- trust funds that serve as the clearing funds or accounts for the Chief Financial Officer or state agencies;
- trust funds that account for assets held by the state in a trustee capacity as an agent or fiduciary for individuals, private organizations, or other governmental units; and
- other trust funds authorized by the State Constitution.

Effect of Proposed Changes:

The bill adds the Division of Licensing Trust Fund in the Department of Agriculture and Consumer Services to the exempted list. Like any other law, this revision could not bind future legislatures. However, it provides the Division of Licensing Trust Fund a level of protection from transfer to the General Revenue Fund or the Budget Stabilization Fund that is absent for most other trust funds.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 215.32(2)(b) 4.b., F.S., to exempt the Division of Licensing Trust Fund within the Department of Agriculture and Consumer Services from the provision of law authorizing the Legislature to transfer unappropriated cash balances in trust funds to the Budget Stabilization Fund or the General Revenue Fund in the General Appropriations Act.

**Section 2:** Provides that this bill shall take effect upon becoming a law.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

See Fiscal Comments.

2. Expenditures:

3. See Fiscal Comments.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

This bill would prohibit the Legislature from transferring cash balances in the Division of Licensing Trust Fund to the General Revenue Fund or the Budget Stabilization Fund in the General Appropriations Act, absent further revision to Florida Statutes.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

None.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**