

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 2080  
 SPONSOR: Senator Cowin  
 SUBJECT: County Article V Trust Fund  
 DATE: February 13, 2002      REVISED: 2/19/02 \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Johnson</u>	<u>JU</u>	<u>Favorable</u>
2.	_____	_____	<u>FT</u>	_____
3.	_____	_____	<u>APJ</u>	_____
4.	_____	_____	<u>AP</u>	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

Senate Bill 2080 substantially rewrites subsection (2) of section 318.21, F.S., to clarify the intent of the Legislature as to where traffic infraction funds are to be deposited after the effective date of the act. Specifically, the bill clarifies that 20.6 percent of the funds are to be deposited into the County Article V Trust Fund and the first \$300,000 of those funds are to be deposited in the state courts system Grants and Donations Trust Fund to pay costs of Florida foster care review panels.

Additionally, the bill transfers the funds deposited in the General Revenue Fund pursuant to subsection (2) of section 318.21, F.S., since July 1, 2001 to the County Article V Trust Fund as of the effective date of the act.

Finally, the bill amends s. 25.402, F.S., to clarify a cross reference and remove a reference to a specific appropriation in the FY 2001-2002 Appropriations Act.

The bill takes effect upon becoming a law.

This bill substantially amends sections 318.21 and 25.402, of the Florida Statutes and creates an unnumbered section.

## II. Present Situation:

Section 318.21, F.S., provides for the distribution of fines collected for traffic infractions set out in chapter 316, the Florida Uniform Traffic Control Law; chapter 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses; chapter 240, Postsecondary Education; and chapter 338, Florida Intrastate Highway System and Toll Facilities. After the first two dollars of each fine are sent to the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund, the remaining funds are distributed to a number of entities based on the percentages set out in subsection (2) of s. 318.21, F.S. In 1997 chapter 97-235, Laws of Florida, amended subsection (2) to transition from 26.6 percent of the funds being deposited into the General Revenue Fund in

1997 to 26.6 percent of the funds being deposited into the County Article V Trust Fund in 2001. The chapter law then provided that on July 2, 2002, the distribution of funds would revert to the 1996 language to deposit 20.6 percent of the funds to the General Revenue Fund. The 1997 chapter law specified that when the distribution reverted to the 1996 levels any amendment to such text enacted other than by this act were to be preserved and continue to operate to the extent that such amendments were not dependent upon the portions of the text that expires pursuant to the 1997 act. The provisions of chapter 97-235, Laws of Florida, was then amended in 2000 to provide that the first \$300,000 of the funds collected were to go to the state courts system Grants and Donations Trust Fund instead of the Children and Families Grants and Donations Trust Fund to support Florida foster care citizen review panels. Then again in 2001 the language was amended to keep the funding levels at the 2000 levels with 5.6 percent going to General Revenue Fund and 15 percent deposited in the County Article V Trust Fund.

As a result of the directives in chapter 97-235, Laws of Florida, and the subsequent amendments to the provisions of 318.21(2), it is unclear exactly how subsection (2) should read as of July 1, 2002.

Additionally, the 2001-2002 appropriations act included expenditures in the County Article V trust fund for the projected 20.6 percent of the funds deposited pursuant to s. 318.21, F.S. as amended by chapter 97-235, Laws of Florida. When the language was amended in 2001 to provide the amount of funds to be deposited was to remain at 15.6 percent there has not been sufficient revenue to fund the authorized expenditures from the Article V Trust Fund for FY 2001-2002.

Section 25.402, F.S., specifies how the funds deposited into the County Article V Trust Fund may be expended. Subsection (d) was amended by chapter 2001-254, Florida Statutes, to provide for funding of operating expenditures of the offices of the state attorneys and public defenders in accordance with specific appropriation 2978B.

### **III. Effect of Proposed Changes:**

Senate Bill 2080 rewrites subsection (2) of section 318.21, F.S., to clarify how the language should read from the effective date of this act forward. The bill provides that 26.6 percent of the funds deposited pursuant to 318.21, F.S., shall be deposited into the County Article V Trust Fund except that the first \$300,000 of the funds collected are to be deposited into the Grants and Donations Trust Fund in the state courts system for the Florida foster care citizen review panels.

The bill corrects the funding shortfall for this fiscal year by transferring that portion of the funds deposited into the General Revenue Fund beginning July 1, 2001, to the County Article V Trust Fund.

Finally, section 3 of the bill amends section 25.402, F.S., to clarify a cross reference, remove the specific appropriation number, and authorize the appropriation of the funds for trial court operations. The section is amended to provide that the funds in the Article V Trust Fund are to be used to pay operating expenditures of the offices of the state attorneys and public defenders as appropriated by the Legislature.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

This bill increases the portion of a traffic offense to be paid into the Article V Trust Fund from 15 percent to 20.6 percent and decreases the amount deposited into the General Revenue Fund from 5.6 percent to nothing.

The courts state that without this action, the County Article V Trust Fund is projected to experience a cash shortfall in June 2002, of over \$2.2 million. Without the additional revenues, which this bill provides for, this trust fund will not be able to absorb all of the \$26 million in county court salaries expenditures that were recently cost shifted to this fund. In order for this fund to have sufficient cash flow to meet its current fiscal year obligations, the transfer of funds outlined in this bill must take place no later than June 2002.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.