

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 928

SPONSOR: Webster

SUBJECT: Federal Law Enforcement Trust Fund

DATE: February 11, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Arthur</u>	<u>Kelly</u>	<u>ATD</u>	<u>Favorable</u>
2.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>
3.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This legislation re-creates the Federal Law Enforcement Trust Fund, FLAIR number 62-2-719. The Federal Law Enforcement Trust Fund is administered by the Department of Military Affairs. The effective date is November 4, 2004.

II. Present Situation:

Article III, Section 19, paragraph (f)(2) provides that state trust funds in existence before November 4, 1992, shall terminate not more than four years from that date. State trust funds created after that date shall terminate not more than four years after the effective date of the act authorizing the creation of the trust fund. By law the legislature may set a shorter time period for which any trust fund is authorized.

The Federal Law Enforcement Trust Fund was created by chapter 98-394, Laws of Florida. Subsequent to review, and prior to its scheduled repeal in 2002, it was saved from repeal and recreated by chapter 2002-142, Laws of Florida. It is currently scheduled for repeal in 2006.

Most other trust funds are currently on a schedule to be repealed on November 4, 2004 (and every fourth subsequent year). This trust fund's repeal (with associated review) is therefore "out of sync" with most other trust fund repeal dates. There would be some benefit to standardizing the repeal date so that all the trust funds could be reviewed together, on a four-year cycle.

Re-creating the Federal Law Enforcement Trust Fund enables the department to receive, spend and account for receipts and revenues from: federal criminal, administrative and civil forfeiture proceedings, and federal asset-sharing programs. Federal law requires state law enforcement

agencies to establish and maintain separate accounts for these types of federal receipts and revenues.

In the 2001-2002 fiscal year, the Legislature appropriated \$798,000 from the Federal Law Enforcement Trust Fund.

III. Effect of Proposed Changes:

This bill re-creates the trust fund without modification.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
