

# 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 16-A

SPONSOR: Webster

SUBJECT: Trust Funds/Termination

DATE: May 12, 2003

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Mannelli</u>	<u>Coburn</u>	<u>AP</u>	<u>Favorable</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

## I. Summary:

This bill terminates the Corporations Trust Fund, FLAIR number 45-2-130, and the Public Access Data Systems Trust Fund, FLAIR number 45-2-542, in the Department of State and the Turnpike Controlled Access Trust Fund, FLAIR number 55-2-334, within the Department of Transportation, effective July 1, 2003.

The bill specifies that if any laws amended by this bill were also amended during the 2003 Regular Session, they are to be construed as if they had been enacted during the same session of the Legislature.

## II. Present Situation:

The Corporations Trust Fund was created as the depository for all corporate filing fees. From this fund, receipts are transferred to the General Revenue Fund and other state trust funds in accordance with the provisions of s. 607.1901(2), F.S., as follows:

*“(2)(a) The Legislature shall appropriate from the fund such amounts as it deems necessary for the operation of the division.*

*(b) An amount equal to 2.9 percent of all moneys deposited each month in the fund is transferred to the Corporation Tax Administration Trust Fund created pursuant to s. 213.31.*

*(c) In the last six months of any fiscal year, an amount equal to 43 percent of all moneys deposited each month into the fund is transferred to the General Revenue Fund.*

*(d) The division shall transfer from the trust fund to the Cultural Institutions Trust Fund, quarterly, the amount of \$10 from each corporate annual report fee collected by the division and prorations transferring \$8 million each fiscal year, to be used as provided in s. 265.2861. Effective October 1, 2001, an additional \$2 million each fiscal year shall be transferred from the Corporations Trust Fund to the Cultural Institutions Trust Fund to be used as provided in s. 265.2861. The additional \$2 million is contingent upon the receipt of corresponding revenues collected under s. 55.209, as created by this act.*

*(e) The division shall transfer from the trust fund to the Cultural Institutions Trust Fund, quarterly, prorations transferring \$250,000 each fiscal year, to be used as provided in s. 265.609.*

*(f) The division shall transfer from the trust fund to the Cultural Institutions Trust Fund, quarterly, prorations transferring \$550,000 each fiscal year, to be used as provided in s. 265.608.*

*(g) The division shall transfer from the trust fund to the Historical Resources Operating Trust Fund, quarterly, prorations transferring \$2 million each fiscal year, to be used as provided in s. 267.0617.*

*(h) The division shall transfer from the trust fund to the Historical Resources Operating Trust Fund, quarterly, prorations transferring \$1.5 million each fiscal year, to be used as provided in s. 267.0619.*

*(i) Effective October 1, 2001, the division shall transfer from the trust fund to the department's Grants and Donations Trust Fund quarterly prorations equaling not more than \$1.6 million each fiscal year, to be used in the provision of services under s. 288.816. The transfer of \$1.6 million is contingent upon the receipt of corresponding revenues collected under s. 55.209, as created by this act.*

*(3) The unencumbered balance in the trust fund at the close of each quarter within the fiscal year may not exceed \$300,000. Any funds in excess of this amount shall be transferred unallocated to the General Revenue Fund."*

The Public Access Data System Trust Fund was created to purchase information systems and equipment to provide greater public accessibility to records of the Department of State. It is funded via transfer of a portion of corporate filing fees from the Corporations Trust Fund pursuant to section 15.09(5)(a), as follows:

*5)(a) There is created within the Department of State a Public Access Data Systems Trust Fund, which shall be used by the department to purchase information systems and equipment that provide greater public accessibility to the information and records maintained by it. Notwithstanding any other provision of law, the Divisions of Licensing, Elections, and Corporations of the department shall transfer each fiscal year to the Public Access Data Systems Trust Fund from their respective trust funds:*

1. *An amount equal to 2 percent of all revenues received for the processing of documents, filings, or information requests.*
2. *All public access network revenues collected pursuant to s. 15.16 or s. 119.085.*

These statutory distributions of the corporate filing fees reduce revenues that would otherwise be deposited in the General Revenue Fund and provide funding for general state operations.

The Turnpike Controlled Access Trust Fund was created to account for the \$425 million transferred from the State Transportation Trust Fund to pay for the initial stages of the Turnpike's expansion program. All projects have been completed and the trust fund is no longer used.

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

This bill terminates the Turnpike Controlled Access Trust Fund in the Department of Transportation since it is no longer used.

The Corporations Trust Fund and Public Access Data System Trust Fund in the Department of State are also terminated, and all revenues from corporate filing fees are directed to the General Revenue Fund. Since the majority of the corporate filing fee revenues are already deposited in the General Revenue Fund, this provides for consistent treatment of these revenues.

This bill does not terminate the Cultural Institutions Trust Fund, Historical Resources Operating Trust Fund, or Grants and Donations Trust Fund.

The bill also specifies that if any laws amended by this bill were also amended during the 2003 Regular Session, they are to be construed as if they had been enacted during the same session of the Legislature.

### **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:

Current state operations will be unaffected by the termination of the Turnpike Controlled Access Trust Fund. There is no remaining cash balance in the Turnpike Controlled Access Trust Fund.

Terminating the Corporations Trust Fund will redirect receipts from corporate filing fees to the General Revenue Fund. Recurring expenditures from the Corporations and Public Access Data Systems Trust Funds have been shifted to General Revenue in the proposed Senate General Appropriations Act for FY 2003-04.

While not terminated by this bill, expenditures from the Cultural Institutions Trust Fund have also been shifted to General Revenue in order to accurately reflect the redirection of corporate filing fees to the General Revenue Fund.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.