

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 1048
 SPONSOR: Senator Smith
 SUBJECT: Capital Collateral Trust Fund
 DATE: February 11, 2004 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Hendon</u>	<u>Martin</u>	<u>AAV</u>	<u>Favorable</u>
2.	_____	_____	<u>AP</u>	<u>Withdrawn: Favorable</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This legislation re-creates the Capital Collateral Trust Fund (FLAIR #212072) without modification, effective November 4, 2004. Federal reimbursement for work performed by the Capital Collateral Regional Counsels is deposited in this trust fund and appropriated to the counsels. This fund was created by Chapter 98-350, Laws of Florida, and is referenced in section 27.702 (3), F.S.

II. Present Situation:

The Capital Collateral Trust Fund receives payments from the federal government for defense of indigent inmates in federal death penalty proceedings. Section 27.702(3), F.S. directs such payments to be deposited in the Capital Collateral Trust Fund. A total of \$300,000 is appropriated from this trust fund in the current fiscal year. Reimbursement for work performed by the private attorneys on the state’s registry for capital collateral appeals is paid directly to the private attorneys.

If no action is taken by the Legislature, this trust fund will expire November 4, 2004.

III. Effect of Proposed Changes:

This bill re-creates the trust fund without modification. This would allow the federal reimbursement for death penalty proceedings to continue to be deposited into the Capital Collateral Trust Fund for use by the Capital Collateral Regional Counsels.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

See text of bill.

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.