

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Policy and Steering Committee on Ways and Means

BILL: CS/SB 1720

INTRODUCER: Criminal and Civil Justice Appropriations Committee and Senator Crist

SUBJECT: Capital Collateral Regional Counsel Trust Fund

DATE: April 6, 2009 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hendon	Sadberry	JA	Fav/CS
2.	Hendon	Kelly	WPSC	Favorable
3.				
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

The bill creates the Capital Collateral Regional Counsel Trust Fund. The purpose of the fund is to support the activities of the capital collateral regional counsels. The source of funds to be deposited is the reimbursement by the federal government when the capital collateral regional counsels provide representation to death row inmates in federal court. The fiscal impact of the bill is an estimated reduction of \$250,000 from general revenue and a like increase to the newly created Capital Collateral Regional Counsel Trust Fund.

This bill substantially amends s. 27.702, F.S., and creates an unnumbered section of the Florida Statutes.

II. Present Situation:

There are two capital collateral regional counsels in Florida and they are appropriated funds from general revenue to provide capital collateral representation to Florida's death row inmates. The current appropriation to the capital collateral regional counsels is \$6.9 million and 73 FTEs.

III. Effect of Proposed Changes:

Section 1 creates the Capital Collateral Regional Counsel Trust Fund for the purpose of funding the activities of the capital collateral regional counsels. Per s. 19(f) (2), Article III of the State Constitution, the trust fund will terminate on July 1, 2013.

Section 2 amends s. 27.702, F.S., to direct the deposit of payments received from the federal government for the capital collateral regional counsels representation of death row inmates in federal court to the Capital Collateral Regional Counsel Trust Fund.

Section 3 provides for an effective date of July 1, 2009.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

The bill creates a new trust fund and provides for its termination pursuant to the State Constitution and a 3/5s approval by the Legislature.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

It is estimated that the federal government reimbursement for federal representation to death row inmates to the state is \$250,000 per year. The bill would redirect these funds from general revenue to the new trust fund. This would mean a loss to general revenue by that amount and an increase to the trust fund by that amount.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Criminal and Civil Justice Appropriations Committee on April 1, 2009:**

- The bill creates the Capital Collateral Regional Counsel Trust Fund.
- The bill amends section 27.702, F.S., to re-directs federal reimbursement for the capital collateral regional counsels representation of death row inmates in federal court from general revenue to the Capital Collateral Regional Counsel Trust Fund.

B. Amendments:

None.