

**HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS**

**BILL #:** HB 7063 PCB CCJ 09-01 Department of Corrections Administrative Trust Fund  
**SPONSOR(S):** Criminal & Civil Justice Appropriations Committee and Adams  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1108

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Criminal & Civil Justice Appropriations Committee	8 Y, 0 N	McAuliffe	Davis
1)	Full Appropriations Council on General Government & Health Care	25 Y, 0 N	McAuliffe	Leznoff
2)				
3)				
4)				
5)				

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**I. SUMMARY**

Section 19(f), Article III of the Florida Constitution governs the creation of trust funds. It provides that no trust fund of the state or other public body may be created without a three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only. The Florida Constitution also specifies that state trust funds shall terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund, unless the Legislature by law sets forth a shorter time period.

The Administrative Trust Fund within the Florida Department of Corrections will terminate on July 1, 2010. This bill re-creates the Administrative Trust Fund within the Florida Department of Corrections without modification, and repeals the provisions that would have terminated the trust fund.

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.

## **II. SUBSTANTIVE ANALYSIS**

### **A. PRESENT SITUATION:**

#### **1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:**

Section 20.3151, Florida Statutes.

#### **2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:**

The trust fund is specifically used to pay a portion of salaries and benefits and other expenses in department administration to support department-wide activities such as human resources, accounting, billing, purchasing and other management activities and functions.

#### **3. MAJOR SOURCES OF REVENUE FOR THE FUND:**

The Administrative Trust Fund consists of revenues generated through administrative assessments against trust funds, indirect cost reimbursements from grantors, interest earnings and other appropriate administrative fees.

#### **4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:**

In Fiscal Year 2008-09, the Legislature appropriated \$6,744,729 from the Administrative Trust Fund for the Department of Corrections based on anticipated revenue receipts.

### **B. EFFECT OF PROPOSED CHANGES:**

The bill re-creates the trust fund without modification.

## **III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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.

## **IV. COMMENTS**

None.

## **V. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES**