

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB TED 10-06 Trust Funds/Emergency Response Trust Fund/DMA  
**SPONSOR(S):** Transportation & Economic Development Appropriations Committee  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
Orig. Comm.:	Transportation & Economic Development Appropriations Committee		Rayman	Creamer
1)				
2)				
3)				
4)				
5)				

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**SUMMARY ANALYSIS**

This legislation recreates the Emergency Response Trust Fund, FLAIR number 62-2-087, which is administered by the Department of Military Affairs. The trust fund serves as a repository for funds received from Federal Emergency Management Agency (FEMA) reimbursements and transfers of state funds when approved by budget amendments processed pursuant to chapter 216, Florida Statutes.

This bill amends section 250.175(2)(a) of the Florida Statutes.

This bill has an effective date of July 1, 2010; however, it does not take effect without a three-fifths vote of the membership or each house of the Legislature.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation:

Article III, Section 19(f) of the Florida Constitution requires the termination of all state trust funds within four years of their initial creation, unless exempt by the Constitution or operation of law. The Emergency Response Trust Fund will terminate on July 1, 2011 if no action is taken by the Legislature to re-create.

Section 250.175(2)(a) of the Florida Statutes, created the Emergency Response Trust Fund, FLAIR number 62-2-087, which is administered by the Department of Military Affairs.<sup>1</sup> The trust fund is used to pay all operational costs incurred by the Florida National Guard when called to active duty. The revenue sources for this trust fund are Federal Emergency Management Agency (FEMA) reimbursements and transfers of state funds when approved by budget amendments processed pursuant to chapter 216, Florida Statutes.

##### Potential Changes:

This bill recreates the Emergency Response Trust Fund within the Department of Military Affairs prior to the scheduled termination date of July 1, 2011.

#### B. SECTION DIRECTORY:

**Section 1.** Recreates the Emergency Response Trust Fund within the Department of Military Affairs.

**Section 2.** Repeals paragraph (b) of subsection (2) of section 250.175, Florida Statutes.

**Section 3.** Provides an effective date of July 1, 2010.

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<sup>1</sup> Chapter 2007-9, Laws of Florida.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

N/A

### D. FISCAL COMMENTS:

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.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

Article III, Section 19(f)(1), of the Florida Constitution, provides no trust fund of the state or other public body may be created without three-fifths vote of the membership of each house of the Legislature in a separate bill for that purpose only.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES