

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB GOA 10-08 Trust Funds/Audit and Warrant Clearing Trust Fund/DOR
SPONSOR(S): Government Operations Appropriations Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Government Operations Appropriations Committee		Fox	Topp
1)				
2)				
3)				
4)				
5)				

SUMMARY ANALYSIS

This bill re-creates the Audit and Warrant Clearing Trust Fund within the Department of Revenue (DOR) in s. 215.199, F.S. This trust fund is a non-operating account that serves as a repository for audit receipts, warrant receipts, and governmental leasehold receipts, and for subsequent distributions to appropriate entities and accounts.

Article III, s.19(f)(1) of the State Constitution specifies that a trust fund of the State of Florida or other public body may only be created by law in a separate bill. The bill creating or re-creating the trust fund must pass with a three-fifths vote of the membership of each house of the legislature. Thus this bill requires a three-fifths vote for passage.

The bill has no fiscal impact.

Re-creation of this trust fund is effective July 1, 2010. If no action is taken by the legislature to re-create this trust fund, the fund will be terminated July 1, 2011.

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:

Present Situation

Pursuant to section 19 (f)(1), Article III of the Florida Constitution a trust fund of the State of Florida or other public body may only be created or recreated by law in a separate bill. This bill creating or recreating the trust fund must pass with a three-fifths vote of the membership of each house of the legislature. A state trust fund must generally terminate not more than four years after the effective date of the act authorizing the initial creation of the trust fund.

The Audit and Warrant Clearing Trust Fund was created July 1, 2007 within the Department of Revenue (DOR). This fund serves as a non-operating account that serves as a repository for audit receipts, warrant receipts, and governmental leaseholds to be distributed annually to appropriate entities and accounts.

Effect of Proposed Change

The Audit and Warrant Clearing Trust Fund within DOR will be re-created prior to the scheduled termination date of July 1, 2011. This bill re-creates the trust fund without modification.

B. SECTION DIRECTORY:

Section 1. Re-creates the Audit and Warrant Clearing Trust fund within DOR.

Section 2. Amends s. 215.199, F.S.

Section 3. Provides an effective date of July 1, 2010 unless no action by the legislature is taken.

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:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

No impact on municipal or county governments.

2. Other:

This bill re-creates a trust fund and must pass the Legislature by a three-fifths vote of the membership of each house to become law pursuant to s. 19(f), Article III of the State Constitution.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES