

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** PCB CCJ 10-01 Trust Funds  
**SPONSOR(S):** Criminal & Civil Justice Appropriations Committee  
**TIED BILLS:** **IDEN./SIM. BILLS:**

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	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	Criminal & Civil Justice Appropriations Committee		Darity	Davis
1)				
2)				
3)				
4)				
5)				

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**SUMMARY ANALYSIS**

The bill provides technical, conforming changes to the proposed House of Representatives budget by realigning specific sources of funding into the most appropriate trust funds for appropriation. The bill directs deposits of specified filing fees into the State Courts Revenue Trust Fund rather than the State Court's Operating Trust Fund, and additionally provides for the deposit of certain court costs following criminal convictions and worthless check fees into the State Attorneys Revenue Trust Fund rather than the State Attorney's Grants and Donations Trust Fund. The bill further directs any unexpended balances of funds collected pursuant to these provisions also be transferred to the appropriate trust fund.

This bill has no impact on state revenues or expenditures.

## 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:

In 2009, pursuant to section 19(f) of Article III of the Florida Constitution, the Legislature created the State Courts Revenue Trust Fund for the purpose of supplementing the operational needs of the State Courts System. The funding sources for this trust fund include a portion of all noncriminal moving and nonmoving traffic violations, penalties imposed on certain speeding violations; and discretionary fines when adjudication of guilt is withheld. The Fiscal Year 2009-2010 appropriation from this trust fund is \$263,402,827.

The court system also relies on the Operating Trust Fund for the purpose of supporting the program operations of the judicial branch. The funding sources for this trust fund include primarily court filing fees and transfers from the Workers Compensation Administrative Trust Fund for work performed in the First District Court of Appeal. The Fiscal Year 2009-2010 appropriation from this trust fund is \$10,004,028.

In 2009, the Legislature also created the State Attorney Revenue Trust Fund. Currently, the State Attorney Revenue Trust Fund is utilized for the purpose of operational expenditures related to the State Attorneys. The funding source for this trust fund is a share (\$3.33) of a \$10.00 assessment for all noncriminal moving and nonmoving traffic violations. The Fiscal Year 2009-2010 appropriation from this trust fund is \$9,549,913.

State Attorneys also utilize a Grants and Donations Trust Fund for supporting grant awards or other operational expenditures as it is a depository predominantly for both state and federal grants. However, this trust fund is also the account where revenues associated with costs for prosecution and worthless checks fees are deposited. These deposits include all of the costs recovered on behalf of the State Attorney in misdemeanor offenses, criminal traffic offenses, and felony offenses, as well as violations involving checks and drafts. The Fiscal Year 2009-2010 appropriation from this trust fund is \$38,576,290.

The bill provides technical, conforming changes to the proposed House of Representatives budget by realigning specific sources of funding into the most appropriate trust funds for appropriation. The proposed changes would allow revenue streams from both Supreme Court filing fees and District Courts of Appeal filing fees to more appropriately flow into the State Courts Revenue Trust Fund rather than the Operating Trust Fund. This bill does not affect the balance of these filing fees which are currently directed to the General Revenue Fund. Similarly, this bill would divert the revenue source of recovered costs for prosecution and worthless check fees on behalf of a State Attorney from the Grant

and Donations Trust fund to the State Attorney Revenue Trust Fund. Lastly, the bill further directs any unexpended balances of funds collected pursuant to these provisions also be transferred to the appropriate trust fund.

**B. SECTION DIRECTORY:**

Section 1. amends s. 25.241, F.S., regarding the deposit of filing fees.

Section 2. amends s. 35.22, F.S., regarding the deposit of filing fees.

Section 3. amends s. 832.08, F.S., regarding the deposit for worthless check fees.

Section 4. amends s. 938.27, F.S., regarding the deposit for costs on conviction.

Section 5. transfers unexpended trust balances.

Section 6. transfers unexpended trust balances.

Section 7. provides an effective date of July 1, 2010.

**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:**

This bill has no impact on state revenues or expenditures.

Funding Source	Current Trust Fund	Proposed Fund	FY 2009-10 Est. Revenue
Worthless Check Fees (s. 832.08); Costs of Prosecution (s. 938.27)	Grants & Donations	State Attorney Revenue TF	\$17,366,495
Filing fees (s. 25.241(5)); (s. 35.22(6)).	Operating TF	State Courts Revenue TF	\$6,081,686

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

##### **2. Other:**

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

None.