

STORAGE NAME: h1939.prc.doc
DATE: April 13, 2001

HOUSE OF REPRESENTATIVES
PROCEDURAL & REDISTRICTING COUNCIL
ANALYSIS

BILL #: HB 1939

RELATING TO: Trust Funds

SPONSOR(S): Procedural & Redistricting Council and Representative Byrd

TIED BILL(S): HB 1937

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) PROCEDURAL & REDISTRICTING COUNCIL YEAS 15 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill creates the Department of Revenue Clerks of the Court Trust Fund within the Department of Revenue.

This bill will have an effective date contingent upon the effective date of HB 1937.

This bill requires a 3/5 vote of each house.

There is no fiscal impact associated with the creation of the trust fund.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Chapter 938, Florida Statutes, relating to Court Costs.

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

The clerks of the court collect and manually submit court fines and fees to the state from a variety of sources into a variety of trust funds. Current disbursement procedures for the fines and fees to state agencies are costly, inefficient, and labor intensive with many manual processes involved for the clerks and state agencies. There currently is no statewide or individualized electronic disbursement by counties to state agencies except for the monthly electronic disbursement of child support payments made by the Department of Revenue.

In Auditor General Report No. 01-062, *Assessment and Collection of Court Costs Authorized by Chapter 938, Florida Statutes*, published in November 2000, one of the several recommendations made in the report to improve the economy and efficiency of the processes established by law for the assessment, collection, remittance, and distribution of court costs established by Chapter 938, F.S., is to establish a single State clearing trust fund into which the collected fines and fees would be deposited.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Existing revenues are currently collected by court clerks and submitted into a variety of trust funds. These funds will be deposited in the Department of Revenue Clerks of the Court Trust Fund and distributed by the Department of Revenue.

B. EFFECT OF PROPOSED CHANGES:

Section 1. Creates the Department of Revenue Clerks of the Court Trust Fund within the Department of Revenue. Funds received by the department from the clerks of the court shall be credited to the trust fund as provided in HB 1937, or similar legislation. The funds to be transmitted electronically by the clerks to the department include proceeds from the taxes imposed by Florida Statutes chapter 199, Intangibles Tax; Florida Statutes chapter 201, Documentary Stamp Tax; and all other fees, fines, reimbursements, court costs, or other court-related funds that the clerks must remit to the state pursuant to law.

Section 2. Provides that this act shall take effect on the effective date of HB 1937, or similar legislation, but it shall not take effect unless it is enacted by a three-fifths vote of the membership of each house of the Legislature and unless HB 1937, 2001 Regular Session, becomes a law.

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 creates a state trust fund.

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IV. COMMENTS:

None

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VI. SIGNATURES:

PROCEDURAL & REDISTRICTING COUNCIL

Prepared by:

Staff Director:

Eric Haug, J.D.

P.K. Jameson, J.D.