

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 1540

SPONSOR: Finance and Taxation Committee and Senator Carlton

SUBJECT: Trust Funds

DATE: April 20, 2001

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fournier</u>	<u>Johansen</u>	<u>FT</u>	<u>Favorable/CS</u>
2.	<u>_____</u>	<u>_____</u>	<u>AGG</u>	<u>Withdrawn</u>
3.	<u>Hendon</u>	<u>Wood</u>	<u>AP</u>	<u>Favorable</u>
4.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
5.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>
6.	<u>_____</u>	<u>_____</u>	<u>_____</u>	<u>_____</u>

I. Summary:

This legislation creates the Local Communications Services Tax Clearing Trust Fund to be administered within the Department of Revenue. This legislation provides for its sources of moneys and purposes. It provides that the trust fund is exempt from constitutional termination.

This bill creates the following section of the Florida Statutes: 202.195.

II. Present Situation:

Subsection (f) of section 18 of Article III of the Florida Constitution provides that no trust fund of the State of Florida may be created by law without a three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only. State trust funds are subject to termination not more than four years after their creation except for certain funds listed in paragraph (3), including clearing funds.

III. Effect of Proposed Changes:

This legislation creates the Local Communications Services Tax Clearing Trust Fund to be administered within the Department of Revenue. This legislation provides for the proceeds of each local communications services tax to be distributed as provided in s. 202.18(3)(a), F.S.. It provides that the trust fund is exempt from constitutional termination. This legislation takes effect on July 1, 2001, if Committee Substitute for Senate Bill 1878 or similar legislation is enacted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

Section 19(f)(1) of Article III of the State Constitution provides that no trust fund of the State of Florida may be created by law without a three-fifths vote of the membership of each house of the legislature in a separate bill for that purpose only.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Local Communications Services Tax Clearing Trust Fund will be administered within the Department of Revenue and will distribute local communications services tax revenue to counties, municipalities and school districts.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.