

STORAGE NAME: h1735s1z.ca
DATE: June 24, 1998

****FINAL ACTION****
****SEE FINAL ACTION STATUS SECTION****

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 1735

RELATING TO: Ad Valorem Tax Exemption

SPONSOR(S): Committee on Community Affairs and Representative Jones

COMPANION BILL(S): SB 0716 (s)

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

- (1) COMMUNITY AFFAIRS YEAS 6 NAYS 2
- (2) FINANCE & TAXATION YEAS 13 NAYS 0
- (3) EDUCATION APPROPRIATIONS
- (4)
- (5)

I. FINAL ACTION STATUS:

House Bill 1735 was carried over from the 1997 Legislative session to the 1998 Legislative session. The bill was voted favorably by the House Committee on Community Affairs as a committee substitute on March 12, 1998. The CS was voted favorably by the House Committee on Finance and Taxation with one amendment on April 14, 1998. The CS died in the House Committee on Education Appropriations.

II. SUMMARY:

This bill revises the definition of "educational institution" to include childcare centers that are accredited by national or state accrediting authorities.

The bill has a significant fiscal impact on local government. Under the provisions of the committee substitute, an estimated 550 childcare centers are eligible for ad valorem tax exemption. This results in a loss of \$137,808,000 to local governments' property tax base.

The bill also reduces the authority of cities and counties to raise revenue in the aggregate. The potential reduction by \$137,808,000 to local governments' property tax base could result in a loss of \$3,756,160 in revenue-generating authority.

This bill is a mandate as provided by the Florida Constitution. To bind local governments, the bill must be enacted by a two-thirds vote of both houses of the Legislature.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Currently, chapter 196, Florida Statutes, provides for exemptions from taxes that are assessed on real or personal property. According to subsection (5) of section 196.012, Florida Statutes, "educational institution" means:

- 1) a federal, state, parochial, church or private school, college or university conducting regular classes and courses of study required for eligibility to certification by, accreditation to, or membership in the State Department of Education of Florida, Southern Association of Colleges and Schools, or the Florida Council of Independent Schools;
- 2) a nonprofit private school the principal activity of which is conducting regular classes and courses of study accepted for continuing postgraduate dental education credit by a board of the Division of Medical Quality Assurance;
- 3) educational direct-support organizations created pursuant to SS. 229.8021, 240.299 and 240.331, Florida Statutes; and
- 4) facilities located on the property of eligible entities which will become owned by those entities on a date certain.

Furthermore, educational institutions within the State of Florida and their property used by them or by any other exempt entity or educational institution exclusively for educational purposes are exempt from taxation.

An exemption from ad valorem taxation for "educational institutions" was originally provided by the Legislature in 1971 in chapter 71-133, Laws of Florida.

Subsequently, several clarifications and additions to the definition of "educational institution" have been added to section 196.012, F. S. Some of the changes include:

- the addition of federal schools;
- the addition of nonprofit private schools which provide postgraduate dental education; and
- the addition of direct-support organizations created pursuant to 229.8021, 240.299, and 240.331, Florida Statutes

According to the Florida Association of Childcare Management, there are approximately 550 childcare centers in Florida, currently accredited by national or state accrediting authorities.

B. EFFECT OF PROPOSED CHANGES:

CS/HB 1735 revises the definition of "educational institution" to include childcare centers that are accredited by national or state accrediting authorities.

The bill has a significant fiscal impact on local government. Under the provisions of the committee substitute, an estimated 550 childcare centers are eligible for ad valorem tax exemption. This results in a loss of \$137,808,000 to local governments' property tax base.

The bill also reduces the authority of cities and counties to raise revenue in the aggregate. The potential reduction by \$137,808,000 to local governments' property tax base could result in a loss of \$3,756,160 in revenue-generating authority.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

Yes, the bill allows preschools to continue to receive government services, such as; urban infrastructure, police and fire protection without being required to pay ad valorem taxes.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

Not directly. Local governments would have to look to other revenue sources to compensate for the loss of these ad valorem tax dollars.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

Yes. The bill exempts accredited childcare centers from payment of ad valorem taxes, thereby reducing the amount of taxes paid by preschools and reducing the amount of revenue realized by local governments.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Sections 196.012 and 196.198, Florida Statutes, are affected.

E. SECTION-BY-SECTION RESEARCH:

Section 1. Subsection (5) of section 196.012, Florida Statutes, is amended to include nationally accredited childcare centers in the definition of "educational institutions."

Section 2. This act shall take effect upon becoming law.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Indeterminate.

2. Recurring Effects:

There are an estimated 6,100 childcare centers in the State of Florida, 1,830 of which are currently exempt from ad valorem taxation and 1,281 of which are not owned or used for exempt purposes. Of the remaining 2,989 childcare centers, there are 550 centers that are accredited by national or state accrediting authorities. Therefore, this legislation would provide that 550 childcare centers are exempt. In addition, any childcare center that becomes accredited becomes exempt in the future.

The bill reduces the authority of cities and counties to raise revenue in the aggregate. The potential reduction by \$137,808,000 to local governments' property tax base could result in a loss of \$3,756,160 in revenue-generating authority.

3. Long Run Effects Other Than Normal Growth:

None are determined.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

Accredited childcare centers are exempt from payment of ad valorem taxes.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

The bill is a mandate to local governments as provided in the Florida Constitution. The bill must have a two-thirds vote of the membership of each House to become law.

V. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to spend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill reduces the authority that municipalities or counties have to raise revenues in the aggregate.

The potential reduction by \$137,808,000 to local governments' property tax base could result in a loss of \$3,756,160 in revenue-generating authority.

This estimate exceeds \$1.4 million, which reduces the authority that municipalities or counties have to raise revenues in the aggregate, as such authority existed on February 1, 1989.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

VI. COMMENTS:

The Florida League of Cities and the Florida Association of Counties object to the expansion of the definition of "educational institutions" to include childcare centers.

The fiscal data in this research statement, relates to the mandate to local governments which was determined by the House Committee on Community Affairs. It reflects the results of subsequent significant changes to the original bill. The provisions of the adopted CS were not submitted to the Revenue Estimating Conference before being received by the House Finance and Taxation Committee.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A committee substitute for House Bill 1735 was adopted by the House Committee on Community Affairs on March 12, 1998. The CS engrosses a strike everything amendment that was offered by the sponsor. In addition, the CS engrosses an amendment to the strike-everything amendment. The committee substitute differs from the bill in the following manner:

- * In the strike-everything amendment the term "preschool" was removed from the definitions of Educational Institutions and replaced with "child care centers that *are eligible* for accreditation by national or state accrediting authorities." However, an amendment to the strike-everything amendment replaced "are eligible" with "child care centers that *are accredited* by national or state accrediting authorities."
- * The strike-everything amendment also removes language from the bill changing the word "exclusively" to "predominantly" relating to educational institutions that are exempt from taxation for educational purposes.
- * The strike-everything changed the date of enactment from "January 1, 1998" to "this act shall take effect upon becoming law."

An amendment was adopted by the House Committee on Finance and Taxation on April 14, 1998. The amendment served two purposes. First, the amendment eliminated the change to the method of calculating "proposed operating budget expenditures" proposed by the original bill. Second, it conformed the House Bill to the language of CS/SB 124, which is the Senate version of this bill.

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VIII. SIGNATURES:

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