

STORAGE NAME: h4655z.cj
DATE: August 6, 1998

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

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
CRIMINAL JUSTICE APPROPRIATIONS
FINAL BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 4655
RELATING TO: Employee Benefit Trust Fund
SPONSOR(S): Criminal Justice Appropriations
COMPANION BILL(S):

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

- (1) CRIMINAL JUSTICE APPROPRIATIONS YEAS 7 NAYS 0
- (2)
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

HB 4655 passed the House on April 23, 1998; in the Senate was substituted for SB 2492 and passed on May 1, 1998. Became law without Governor's signature on May 30, 1998. Chapter Law 98-384.

II. SUMMARY:

This bill creates the Employee Benefit Trust Fund in the Department of Corrections. The need for this new fund results from the statutory requirement for the Department of Corrections to use the fund for proceeds of vending machines or other such services not intended for use by inmates.

III. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

S. 945.215, F.S., refers to the Employee Benefit Trust Fund. This fund was not re-created by the Legislature subsequent to the 1992 constitutional amendment (s.19(f), Art. III, Florida Constitution) that limited trust funds to a four-year lifespan. Thus, the fund arguably does not currently exist.

B. EFFECT OF PROPOSED CHANGES:

This bill creates a new trust fund - the Employee Benefit Trust Fund - in the Department of Corrections for the purpose of constructing training and recreational facilities at correctional institutions for the use of employees. This fund shall be maintained and audited separately and apart from the Inmate Welfare Trust Fund. A separate bill (PCB CJ 98 - 47) makes other substantive changes related to the Employee Benefit Trust Fund.

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?

No

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?

No

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

No

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

No

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No

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

No

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

No

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:

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

No

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

No

5. Family Empowerment:

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

- (1) Who evaluates the family's needs?

No

- (2) Who makes the decisions?

No

- (3) Are private alternatives permitted?

No

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

No

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

No

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

No

- 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:

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(1) parents and guardians?

No

(2) service providers?

No

(3) government employees/agencies?

No

D. STATUTE(S) AFFECTED:

None. s. 945.215 (2) is referenced.

E. SECTION-BY-SECTION RESEARCH:

Section 1: The Employee Benefit Trust Fund is created in the Department of Corrections. Funds from the department's proceeds from vending machines or other such services not intended for use by inmates will be allocated into the trust fund pursuant to s. 945.215, F.S. The fund retains any money remaining at the end of each fiscal year. This fund is subject to termination by the State Constitution on July 1, 2002, and must be reviewed prior to this date.

Section 2: Provides an effective date of July 1, 1998.

IV. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

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

None.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take any actions requiring the expenditure of these funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues in the aggregate, as such state authority existed on February 1, 1989.

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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 as an aggregate on February 1, 1989.

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VIII. SIGNATURES:

COMMITTEE ON CRIMINAL JUSTICE APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Mark A. Chichetto

James P. DeBeaugrine

**FINAL RESEARCH PREPARED BY COMMITTEE ON CRIMINAL JUSTICE
APPROPRIATIONS:**

Prepared by:

Legislative Research Director:

James P. DeBeaugrine

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