

STORAGE NAME: h0617s1a.ed

DATE: April 18, 1997

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
EDUCATION APPROPRIATIONS
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: CS/HB 617

RELATING TO: Community College Capital Facilities Matching Trust Fund

SPONSOR(S): Committee on Community Colleges and Career Prep and Representative
Argenziano

STATUTE(S) AFFECTED: none

COMPANION BILL(S): HB 615 by Representatives Argenziano, Burroughs, and Others; SB 824
by Senator Horne; SB 826 by Senator Horne

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

- (1) COMMUNITY COLLEGES & CAREER PREP YEAS 9 NAYS 0
- (2) EDUCATION APPROPRIATIONS YEAS 13 NAYS 0
- (3)
- (4)
- (5)

I. SUMMARY:

The bill creates the Community College Capital Facilities Matching Trust Fund within the Department of Education, to be administered by the State Board of Community Colleges, for the purpose of receiving and distributing state matching funds for the State Community College System Facility Enhancement Challenge Grant Program proposed by HB 615.

Article III, section 19(f)(1)) of the Florida Constitution requires a three-fifths (3/5) vote of the membership of each house for the creation of a trust fund.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

Section 19(f)(1), Art. III of the State Constitution requires a trust fund of the State of Florida or other public bodies to be created by a separate bill that must be approved by a three-fifths vote of the membership of both houses of the Legislature. Paragraph (2) of the same subsection provides that a trust fund so created would automatically terminate four years after the effective date of its creation.

House Bill 615, which has been filed for the 1997 Legislative Session, would create the Community College System Facility Enhancement Challenge Grant Program. The grant program would use a trust fund, if created, as a repository and distribution source for the state funds necessary to match private contributions.

B. EFFECT OF PROPOSED CHANGES:

The Community College Capital Facilities Matching Trust Fund would be created within the Department of Education. Money credited to the trust fund would be derived as provided for in HB 615 or similar legislation. The bill complies with the provisions in the State Constitution on the life span of trust funds by designating July 1, 2001, as the termination date of the Facilities Matching Trust.

Provision is made for the State Board of Community Colleges and the Office of the Governor to review the need for the continuation of the trust fund, and to make a recommendation to the Legislature during the Session immediately preceding the scheduled termination date whether to continue the trust fund or not. The recommendations would be made as part of the regular budget requests to the Legislature. In the event the trust fund would be terminated, the Division of Community Colleges of the Department of Education would be directed to pay any outstanding debts or obligations.

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?

NA.

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

NA.

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

NA.

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:

- 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?

NA.

- (2) Who makes the decisions?

NA.

- (3) Are private alternatives permitted?

NA.

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

NA.

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

NA.

- 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:

- (1) parents and guardians?

NA.

- (2) service providers?

NA.

- (3) government employees/agencies?

NA.

D. SECTION-BY-SECTION RESEARCH:

Section 1. Creates the Community College Capital Facilities Matching Trust Fund.

Section 2. Provides provisions for the termination or re-creation of the trust fund based on recommendations of the State Board of Community Colleges and the Governor.

Section 3. Provides an effective date of July 1, 1997.

III. 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:

IV. 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 an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

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

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

V. COMMENTS:

Article III, section 19(f)(1) of the Florida Constitution requires a three-fifths (3/5) vote of the membership of each house for the creation of a trust fund.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On March 19, 1997, the Committee on Community Colleges and Career Prep amended HB 617 on page 1, line 17 and page 2, line 19 to insert a cross reference to HB 615. The bill then became a committee substitute.

On April 18, 1997, the Committee on Education Appropriations voted favorably upon the committee substitute with no amendments.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY COLLEGES & CAREER PREP:

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