

**STORAGE NAME:** h2215.ed

**DATE:** April 12, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
EDUCATION APPROPRIATIONS  
ANALYSIS**

**BILL #:** HB 2215 (PCB ED 99-37)

**RELATING TO:** Terminating/Exempting Specific Trust Funds within the Department of Education and the State University System

**SPONSOR(S):** Education Appropriations Committee

**COMPANION BILL(S):**

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

(1) EDUCATION APPROPRIATIONS YEAS 13 NAYS 0

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I. SUMMARY:

Article III, Section 19(f) of the State Constitution terminates all of the education trust funds on November 4, 2000, unless specific action is taken for re-creation or exemption . The Education Appropriations Committee has reviewed all education trust funds pursuant to the provisions of s. 215.3206, Florida Statutes. This bill terminates five trust funds within the Department of Education and eight trust funds within the State University System, and transfers current balances to the General Revenue Fund, unless otherwise specified.

In addition, this bill identifies five trust funds within the Department of Education and twelve trust funds within the State University System that have been determined to be exempt from the automatic termination provisions of Article III, Section 19(f) of the State Constitution.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Article III, Section 19(f) of the State Constitution, adopted and effective on November 4, 1992, provides that no trust fund may have a lifespan of more than four years. During the 1993 through 1996 legislative sessions, all state trust funds were reviewed and re-created, terminated, or determined to be exempt. All re-created trust funds will be subject to automatic termination again on November 4, 2000. In the 1999 session, the Legislature is scheduled to review trust funds administered by the Department of Education and the State University System. Funds are to be terminated, re-created, or identified as exempt from the requirements of Article III, Section 19(f), of the State Constitution.

B. EFFECT OF PROPOSED CHANGES:

This bill terminates five trust funds within the Department of Education and eight trust funds within the State University System. The bill provides that current balances be transferred to the General Revenue Fund, unless otherwise specified. The trust funds terminated include the following:

**Department of Education**

- Community College Capital Facilities Matching Trust Fund, no FLAIR number
- Florida School Improvement and Academic Achievement Trust Fund, no FLAIR number
- Federal Rehabilitation Trust Fund, FLAIR number 48-2-270
- Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges, FLAIR number 48-2-297
- Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund, FLAIR number 48-2-082

**State University System**

- University of Florida Institute of Food and Agricultural Sciences Relocation and Construction Trust Fund, FLAIR number 49-2-025
- Hurricane Andrew Disaster Relief Trust Fund, FLAIR number 49-2-200
- Hurricane Andrew Recovery and Rebuilding Trust Fund, FLAIR number 49-2-205
- University of Florida Institute of Food and Agricultural Sciences Student Fee Trust Fund, FLAIR number 49-2-407, with current balance transferred to the Education and General Student and Other Fees Trust Fund
- University of Florida Health Center Student Fee Trust Fund, FLAIR number 49-2-409, with current balance transferred to the Education and General Student and Other Fees Trust Fund
- University of Florida Health Center Liability Insurance Trust Fund, FLAIR number 49-2-444
- University of South Florida Medical Center Professional Medical Liability Self-Insurance Trust Fund, FLAIR number 49-2-477
- University of Florida Health Center at Jacksonville Liability Insurance Trust Fund, FLAIR number 49-2-768

This bill identifies five trust funds within the Department of Education and twelve trust funds within the State University System that have been determined to be exempt from the automatic termination provisions of Article III, Section 19(f) of the State Constitution. The following trust funds have been determined to be exempt from automatic termination:

**Department of Education**

- Construction Trust Fund, Florida School for the Deaf and the Blind, FLAIR number 48-2-137
- Educational Enhancement Trust Fund, FLAIR number 48-2-178
- State School Trust Fund, FLAIR number 48-2-543
- Public Education Capital Outlay and Debt Service Trust Fund, FLAIR number 48-2-555
- School Districts and Community College District Capital Outlay and Debt Service Trust Fund, FLAIR number 48-2-612

**State University System**

- Ancillary Facilities Construction Trust Fund, FLAIR number 49-2-026
- Division of Universities Building Fee Trust Fund, FLAIR number 49-2-064
- Division of Universities Capital Improvement Fee Trust Fund, FLAIR number 49-2-071
- State University System Construction Trust Fund, FLAIR number 49-2-137
- Education - Contracts, Grants, and Donations Trust Fund, FLAIR number 49-2-153
- Educational Enhancement Trust Fund, FLAIR number 49-2-178
- Engineering Industrial Experimental Station Trust Fund, FLAIR number 49-2-186
- Auxiliary General Trust Fund, FLAIR number 49-2-330
- State University System Law Enforcement Trust Fund, FLAIR number 49-2-434
- Sponsored Research Trust Fund, FLAIR number 49-2-655
- Uniform Payroll Trust Fund, FLAIR number 49-2-766
- Developmental Research School Trust Fund, FLAIR number 49-2-999

The bill also corrects cross references and provides an effective date of July 1, 2000.

**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?

N/A

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

N/A

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

N/A

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?

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3. Personal Responsibility:

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

N/A

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

N/A

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:

N/A

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Terminates five trust funds within the Department of Education and eight trust funds within the State University System. The bill provides that current balances be transferred to the General Revenue Fund, unless otherwise specified.

Section 2. This bill identifies five trust funds within the Department of Education and twelve trust funds within the State University System that have been determined to be exempt from the automatic termination provisions of Article III, Section 19(f) of the State Constitution.

Section 3. Repeals Section 3 of chapter 95-114, Laws of Florida, and section 3 of chapter 95-115, Laws of Florida, which provide for the termination of the Ancillary Facilities Construction Trust Fund and the Education - Contracts, Grants, and Donations Trust Fund within the State University System on July 1, 1999.

Section 4. Amends s. 11.2423, Florida Statutes, to prevent repeal, by reoption of the statutes, of laws declaring trust funds to exempt.

Section 5 through 7. Corrects cross references to the Displaced Homemaker Trust Fund administered by the Department of Education, Division of Community Colleges.

Section 8. Eliminates statutory language relating to the Florida School Improvement and Academic Achievement Trust Fund grants and the Florida School Improvement and Academic Achievement Trust Fund.

Section 9. Corrects references to student fee trust funds.

Section 10. Defines "state funds" as those appropriated annually in the General Appropriations Act. Eliminates references to terminated trust funds.

Section 11 through 12. Eliminates references to the Dr. Phillips Benjamin Academic Improvement Trust Fund for Community Colleges. Maintains the Dr. Philip Benjamin Academic Improvement Program for Community Colleges.

Section 13 through 14. Eliminates statutory language relating to the Community College Capital Facilities Matching Trust Fund. Maintains the Community College Capital Facilities Matching Program.

Section 15 through 17. Eliminates references to the Challenger Astronauts Memorial Undergraduate Scholarship Trust Fund.

Section 18. Provides that the effective date is July 1, 2000.

III. FISCAL ANALYSIS & 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:

**STORAGE NAME:** h2215.ed

**DATE:** April 12, 1999

**PAGE 7**

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

N/A

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

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

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

N/A

V. COMMENTS:

On April 9, 1999 the Education Appropriations Committee considered PCB ED 99-37 and passed it unanimously.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

**STORAGE NAME:** h2215.ed

**DATE:** April 12, 1999

**PAGE 8**

VII. SIGNATURES:

COMMITTEE ON EDUCATION APPROPRIATIONS:

Prepared by:

Staff Director:

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Ruth Storm Feiock

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John Newman