

STORAGE NAME: h0303s1z.ca

DATE: May 4, 1999

****FINAL ACTION****

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

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
FINAL ANALYSIS**

BILL #: CS/HB 303

RELATING TO: Florida World War II Veterans Memorial Matching Trust Fund

SPONSOR(S): Committee on Community Affairs; Representatives Turnbull; Gay; Dockery and others

COMPANION BILL(S): CS/SB 716 (s), CS/HB 305 (c), CS/SB 714 (c)

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

- (1) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
- (2) HEALTH & HUMAN SERVICES APPROPRIATIONS (FRC) YEAS 9 NAYS 0
- (3)
- (4)
- (5)

I. FINAL ACTION STATUS:

The bill was prefiled on January 12, 1999, and introduced in the House on March 2, 1999. The bill was referred to the Committees on Community Affairs and Health and Human Services Appropriations. The bill was placed on the Community Affairs Committee's agenda for its February 17, 1999 meeting. The committee unanimously passed a committee substitute for the bill. The committee substitute subsequently passed the Committee on Health and Human Services Appropriations on April 9, 1999. The committee substitute was placed on the House Calendar on April 12, 1999. CS/SB 716 was substituted for the committee substitute on April 21, 1999.

CS/SB 716, passed the Senate on March 30, 1999, by a vote of 38 YEAS and 0 NAYS. The bill was received by the House on April 15, 1999, and substituted in place of CS/HB 303. The House passed CS/SB 716 on April 21, 1999, by a vote of 117 YEAS and 0 NAYS. The bill became law as Chapter 99-161, Laws of Florida.

II. SUMMARY:

This bill creates the Florida World War II Veterans Memorial Matching Trust Fund to be administered by the Department of Veterans' Affairs, for the purpose of receiving private contributions and matching state funds to build a Florida World War II Veterans Memorial.

The bill provides for a termination date of the trust fund and specifies that if the trust fund is terminated, the Department of Veterans' Affairs shall pay the outstanding obligations as soon as practicable. In that event, the Comptroller must close out and remove the trust fund from the state accounting systems.

This bill has no impact on the state's general revenue fund. At such time as the legislature may appropriate funds, the trust fund created by this bill is authorized to receive those funds.

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.

III. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Article III, section 19(f)(1), of the Florida Constitution, requires a trust fund of the State of Florida be created by a separate bill for that purpose only. The bill must be approved by a three-fifths (3/5) vote of the membership of both houses of the Legislature. Paragraph (2) of the same subsection (f) provides that a trust fund so created must terminate not more than four years after the effective date of the act authorizing the creation of the trust fund.

There are currently two memorial sites within the Capitol Center Planning District (CCPD). The first, the *Vietnam Veterans Memorial*, was dedicated on November 11, 1985. The memorial itself is located across from the Old Capital, in Tallahassee, and consists of two granite columns with the American flag suspended between them. In 1996, the Florida legislature authorized the construction of the *Korean War Veterans Memorial* to honor the 55 Floridians who gave their lives and the 316,000 Floridians who served during the Korean War. This memorial is currently under construction.

B. EFFECT OF PROPOSED CHANGES:

This bill creates the Florida World War II Veterans Memorial Matching Trust Fund to be administered by Department of Veterans' Affairs for the purpose of receiving private contributions and matching state funds to build a Florida World War II Veterans Memorial.

Pursuant to Section 19(f)(2), Article III of the Florida Constitution, the trust fund must be terminated by or on July 1, 2003. Prior to the regular session immediately preceding the date on which the trust fund is scheduled to be terminated, The Department of Veterans' Affairs and the Governor must recommend to the President of the Senate and the Speaker of the House whether the trust fund should be terminated or re-created. The recommendation may also contain suggested modifications to the purpose, sources of receipts, and allowable expenditures of the trust fund.

The bill specifies that in the event the trust fund is terminated, the Department of Veterans' Affairs must pay the outstanding debts or obligations as soon as practicable, and the Comptroller must close out and remove the trust fund from the state accounting systems.

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?

Group and individual private contributions may collect funds to deposit in the Florida World War II Veterans Memorial Matching Fund created by this bill. The trust fund is to be administered by the Department of Veterans' Affairs.

If the trust fund is terminated, the Department of Veterans' Affairs must pay all outstanding debts, and the Comptroller must close and remove the trust fund from the state accounting systems.

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

No.

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

An agency or program is not 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?

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?

The Florida World War II Veterans Memorial Matching Fund created by this bill, allows for the collection of private contributions to be used in the construction of the memorial.

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:

The bill does not purport to give 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?

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:

This bill does not create or change a program providing services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

None.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 -- Creates the Florida World II Veterans Memorial Matching Trust Fund. The trust fund is to be administered by the Department of Veterans' Affairs.

Section 2 -- Requires that pursuant to Section 19 (f)(2), Article III of the Florida Constitution, the trust fund be terminated on or before July 1, 2003.

Requires that prior to the legislative session immediately preceding the date on which the trust fund is scheduled to be terminated, the Department of Veterans' Affairs and the Governor must recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be terminated or re-created. The recommendation may also contain suggested modifications to the purpose, sources of receipts, and allowable expenditures of the trust fund.

Requires that upon termination of the trust fund, the Department of Veterans' Affairs pay all outstanding obligations and that the Comptroller close and remove the trust fund from the state accounting systems.

Section 3 -- Provides for an effective date of July 1, 1999, if House Bill 305, or similar legislation, is adopted in the same legislative session.

IV. FISCAL ANALYSIS & 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:

See fiscal comments.

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:

N/A

2. Direct Private Sector Benefits:

N/A

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

N/A

D. FISCAL COMMENTS:

The cost to the State for construction of the World War II Veterans Memorial would depend upon the location, size and design of the memorial, as well as the amount of private contributions. According to the Florida Department of Veterans' Affairs in FY 1984-1985, the Legislature appropriated approximately \$480,000 for site preparation and construction of the *Vietnam War Veterans Memorial*. Furthermore, the Florida Legislature appropriated approximately \$420,000 of the \$500,000 needed for the construction of the *Korean Veterans Memorial*.

The Department of Veterans' Affairs has not included in their Legislative Budget Request (LBR), funds for the construction of the memorial. However, the Department is currently seeking to amend its LBR.

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 an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The 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:

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

VI. COMMENTS:

None.

VII. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

On February 17, 1999 the House Committee on Community Affairs adopted one amendment to the bill which inserts the appropriate corresponding House Bill number 305. The committee subsequently voted to allow the bill to become a committee substitute.

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VIII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

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