

**STORAGE NAME:** h0823.bdt

**DATE:** March 26, 1999

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
BUSINESS DEVELOPMENT AND INTERNATIONAL TRADE  
ANALYSIS**

**BILL #:** HB 823

**RELATING TO:** Small and Minority Business Trust Fund

**SPONSOR(S):** Representative Roberts

**COMPANION BILL(S):** None.

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

- (1) BUSINESS DEVELOPMENT AND INTERNATIONAL TRADE
  - (2) TRANSPORTATION AND ECONOMIC DEVELOPMENT APPROPRIATIONS
  - (3) GENERAL APPROPRIATIONS
  - (4)
  - (5)
- 

**I. SUMMARY:**

This bill creates the Small and Minority Business Trust Fund. The fund is to be administered by the Small Business and Economic Development Office within the Commission on Small Business and Economic Development. The Commission is housed in the Office of Tourism, Trade and Economic Development, Office of the Governor.

Funds may be deposited or credited into the Small and Minority Business Trust Fund by legislative appropriation, grants, gifts, and contributions for the purpose of funding the Small and Minority Business Management and Technical Assistance Program provided in HB 1429 or similar legislation. The Small Business and Economic Development Office may receive grants that require matching funds from the state to be deposited into the fund.

Pursuant to section 19(f)(2), Article III of the state Constitution, the Small and Minority Business Trust Fund shall be terminated on July 1, 2003, unless terminated sooner. The bill provides for a review and recommendation on whether or not the trust fund should be re-created prior to its termination. The review and recommendation is made by the Commission and the Governor as chair of the Commission, to the President of the Senate and Speaker of the House of Representatives. Provisions are made as to the termination procedures if the trust fund is terminated.

The bill provides an effective date based on the corresponding substantive legislation, HB 1429, and is to be enacted by a three-fifths vote of the membership of each chamber.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Pursuant to Article III, Section 19(f), Florida Constitution, no trust fund of the State of Florida or any public body may be created by law without a three-fifths vote of the membership or each house of the legislature. Additionally, the bill creating the trust fund must be separate. This bill is the companion for HB 1429, relating to property and services procurement.

B. EFFECT OF PROPOSED CHANGES:

The Small and Minority Business Trust Fund would be created and administered by the Small Business and Economic Development Office within the Commission on Small Business and Economic Development in the Office of Tourism, Trade and Economic Development, Office of the Governor.

Funds may be deposited or credited into the Small and Minority Business Trust Fund by legislative appropriation, grants, gifts, and contributions for the purpose of funding the Small and Minority Business Management and Technical Assistance Program provided in HB 1429, or similar legislation. The Small Business and Economic Development Office may receive grants that require matching funds from the state to be deposited into the fund.

It would be effective upon the effective date of HB 1429.

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:

HB 1429 creates s. 287.09452, F.S., the Small and Minority Business Management and Technical Assistance Program. The Trust Fund created herein is referred to in that section.

E. SECTION-BY-SECTION ANALYSIS:

N/A.

III. 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:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

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:

None.

**STORAGE NAME:** h0823.bdt

**DATE:** March 26, 1999

**PAGE 6**

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON BUSINESS DEVELOPMENT AND INTERNATIONAL TRADE:

Prepared by:

Staff Director:

---

Jill F. Turman

---

J. Paul Whitfield, Jr.