

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1191

Land Acquisition and Facilities Advisory Board

SPONSOR(S): Arza

TIED BILLS:

IDEN./SIM. BILLS:

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR |
|---------------------------------------|--------|---------|----------------|
| 1) PreK-12 Committee | | Hunt | Mizereck |
| 2) Education Appropriations Committee | | | |
| 3) Education Council | | | |
| 4) _____ | | | |
| 5) _____ | | | |

SUMMARY ANALYSIS

HB 1191 repeals the section of law relating to Land Acquisition and Facilities Advisory Boards. The bill takes effect upon becoming law.

Substantive Impact

The 2001 Legislature enacted section 1013.512, Florida Statutes, which prescribes the processes for establishing a Land Acquisition and Facilities Advisory Board (the Board) and outlines the duties of the Board. The Board is charged with reporting any deficiencies in school district land acquisition and facilities processes to the Commissioner of Education, and assisting with the correction of the deficiencies. Appropriations to the public schools under the jurisdiction of the Board are held in reserve until the Board certifies that such expenditures are consistent with their recommendations.

The bill repeals the section of law authorizing the appointment of Land Acquisition and Facilities Advisory Boards. As a result, no such board may be appointed in the future. Only one board has been established since 2001 and it oversees the Miami-Dade County Public School land acquisition and facilities procedures. With the repeal of the authorizing statute, this existing board would be disbanded, and any future funds for facilities and land acquisition will be disbursed directly to the Miami-Dade Public Schools and no longer held in reserve.

Fiscal Impact

See Fiscal Comments regarding funds in reserve that have not yet been expended by certification of the existing Land Acquisition and Facilities Advisory Board.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill abolishes a government oversight authority and restores responsibility to local school districts.

B. EFFECT OF PROPOSED CHANGES:

The 2001 Legislature enacted s. 1013.512, F.S., which prescribes the processes for establishing a Land Acquisition and Facilities Advisory Board (the Board) and outlines the duties of the Board. A Board was charged with:

- Reviewing operational processes related to land acquisition and facilities,
- Reporting any deficiencies to the Commissioner of Education, and
- Assisting with the correction of the deficiencies.

If a board is convened, appropriations to a school district for the purpose of site acquisition and facilities planning are held in reserve until the Board certifies that such expenditures are consistent with their recommendations.

The bill repeals the section of law authorizing the appointment and providing the duties of Land Acquisition and Facilities Advisory Boards. As a result, no such boards may be appointed in the future. Only one board has been established since 2001, and it oversees the Miami-Dade County Public School land acquisition and facilities procedures. With the repeal of the authorizing statute, this existing board would be disbanded, and any future funds for facilities and land acquisition will be disbursed directly to the Miami-Dade Public Schools and no longer held in reserve.

The Legislature, through proviso in the 2001-02, 2002-03, and 2003-04 General Appropriations Acts, required the Governor's Office to reserve construction funds allocated to Miami-Dade Public Schools. The funds held in reserve from the 2001-02 and 2002-03 fiscal years were released pursuant to Advisory Board certification. Funds placed in reserve from 2003-2004 in the amount of \$8.5 million remain in reserve.

C. SECTION DIRECTORY:

Section 1: Repeals s. 1013.512, F.S., relating to Land Acquisition and Facilities Advisory Boards.

Section 2: Provides that the bill is effective upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct economic impact on the private sector.

D. FISCAL COMMENTS:

The Education Appropriations Committee should address the \$8.5 million of Miami Dade County Public Schools' new construction funds that remain in reserve from the 2003-04 fiscal year.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

B. RULE-MAKING AUTHORITY:

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES