

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1187

Marriage Education Trust Fund

SPONSOR(S): Plakon

TIED BILLS: HB 1185

IDEN./SIM. BILLS: SB 2306

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Health Care Services Policy Committee		Preston	Schoolfield
2)	Health & Family Services Policy Council			
3)	Finance & Tax Council			
4)	Full Appropriations Council on General Government & Health Care			
5)				

SUMMARY ANALYSIS

The bill creates the Marriage Education Trust Fund (trust fund) within the Executive Office of the Governor (EOG) for the purpose of collecting and disbursing funds generated from an additional marriage license fee. The revenues are to be directed to a grants-in-aid category in the Department of Children and Family Services (DCF or department) in order to fund marriage education programs.

The bill is tied to HB 1185, which creates an additional marriage license fee of \$100. The additional fee is to be deposited in the trust fund. The trust fund must be terminated by July 1, 2013, in accordance with s. 19(f), Article III, of the Florida Constitution. Before scheduled termination, it must be reviewed as provided in s. 215.3206, Florida Statutes.

The bill will require a three-fifths vote of the membership for adoption.

The bill is not expected to have any fiscal impact on state or local governments.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Creation and Operation of Trust Funds**

A trust fund consists of moneys received by the state, which under law or under trust agreement, are segregated for a purpose authorized by law.<sup>1</sup> Section 19(f), Art. III, of the Florida Constitution, governs the creation of trust funds. This constitutional provision prohibits the creation by law of a trust fund of the state or other public body without a three-fifths vote of the membership of each house of the Legislature. This provision further specifies that a trust fund must be created in a separate bill for that purpose only.

In addition, the Legislature has established criteria governing the establishment of trust funds. Under these criteria, a law creating a trust fund must, at a minimum, specify:

- The name of the trust fund;
- The agency or branch of state government responsible for administering the trust fund;
- The requirements or purposes that the trust fund is established to meet; and
- The sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.<sup>2</sup>

The Chief Financial Officer is directed to invest all the trust funds and all agency funds of each state agency.<sup>3</sup> Under current law, any balance of an appropriation for any given fiscal year that is remaining after lawful expenditures have been charged against it reverts to the fund from which the Legislature appropriated it and shall be available for re-appropriation.<sup>4</sup> Any reversion of appropriations provided from the General Revenue Fund must be transferred to the General Revenue Fund within 15 days after the reversion, unless otherwise provided by federal or state law, including the General Appropriations Act.<sup>5</sup> State trust funds terminate no more than four years after the effective date of the act that created them, unless they are re-created by the Legislature with a three-fifths vote of the Florida House of Representatives and the Florida Senate.

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<sup>1</sup> Section 215.32(2)(b)1., Florida Statutes.

<sup>2</sup> Section 215.3207, Florida Statutes.

<sup>3</sup> Section 17.61, Florida Statutes.

<sup>4</sup> Section 216.301(1)(b), Florida Statutes.

<sup>5</sup> Section 216.301(1)(c), Florida Statutes.

## Marriage Preparation and Education

During the 1998 Legislative Session, the Legislature passed the "Marriage Preparation and Preservation Act of 1998" in an effort to strengthen marriages, make stronger families, children and communities, and reduce the divorce rate.<sup>6</sup> The Act recommends the completion of a premarital preparation course of not less than four hours taught by a provider who has been approved by the Clerk of the Circuit Court.

The course may be completed by personal instruction or by video/electronic instruction. Providers must furnish a certificate of completion at the conclusion of the course. For those couples who voluntarily complete this premarital preparation course, the state offers a reduction in the marriage license fee of \$32.50.<sup>7</sup> For those couples who do not complete the course, the Clerks of Court remit the \$32.50 to the Department of Revenue for disbursement as follows: \$7.50 for deposit in the Displaced Homemaker Trust Fund, and \$25.00 for deposit in the General Revenue Fund.<sup>8</sup>

### The Bill

The bill creates the Marriage Education Trust Fund within EOG for the purpose of collecting and disbursing funds generated from an additional marriage license fee. The revenues are to be directed to a grants-in-aid category in DCF in order to fund marriage education programs. The bill is tied to HB 1185, which creates an additional marriage license fee of \$100. The additional fee is to be deposited in the trust fund. The trust fund must be terminated by July 1, 2013, in accordance with s. 19(f), Article III, of the Florida Constitution. Before scheduled termination, it must be reviewed as provided in s. 215.3206, Florida Statutes. The bill provides an effective date of July 1, 2009, if HB 1185 or similar legislation is adopted in the same legislative session or an extension thereof and becomes law.

#### B. SECTION DIRECTORY:

**Section 1.** Creates s. 741.0101, Florida Statutes, relating to the Marriage Education Trust Fund.

**Section 2.** Provides for an effective date of July 1, 2009 if HB 1185 or similar legislation is adopted in the same legislative session.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

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<sup>6</sup> Chapter 98-403, Laws of Florida.

<sup>7</sup> Section 741.0305, Florida Statutes.

<sup>8</sup> Section 741.01(5), Florida Statutes.

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

The provisions of the bill are directly affected by the trust fund restrictions under the requirements of Article III, Section 19(f) of the Florida Constitution. The bill is a separate bill, contains the necessary sunset provision, and meets other constitutional requirements, and as such, will require a three-fifths vote for adoption.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES