

STORAGE NAME: h0053.ca

DATE: January 3, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 53

RELATING TO: Affordable Accommodations Trust Fund/Department of Health

SPONSOR(S): Representative Trovillion & Others

TIED BILL(S): HB 41

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

- (1) COMMUNITY AFFAIRS (PRC)
 - (2) REAL PROPERTY & PROBATE (PRC)
 - (3) CRIME & PUNISHMENT (CRC)
 - (4) FINANCE & TAXATION (FRC)
 - (5) HEALTH & HUMAN SERVICES APPROPRIATIONS (FRC)
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I. SUMMARY:

This bill creates the Affordable Residential Accommodations Trust Fund, which will serve as a repository for moneys collected under the Affordable Residential Accommodations Act (HB 41) should this act become law

The bill has no direct fiscal impact on state or local government.

Pursuant to section 19(f)(1), Art. III of the State Constitution, this bill must be passed by a three-fifths vote of the membership of the House of Representatives and the Senate to take effect.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Section 19(f)(1), Art. III of the State Constitution provides:

No trust fund of the State of Florida or other public body may be created by law without a three-fifths (3/5) vote of the membership of each house of the legislature in a separate bill for that purpose only.

Section 215.3207, F.S., relating to trust funds, enacts this requirement into law and requires that each trust fund must be created by statutory language that specifies at least the following:

- 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.
- the sources of moneys to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund.

HB 41 creates the Affordable Residential Accommodations (ARA) Act. The bill creates a new regulatory process for ARA establishments, under the administration of the Department of Health (DOH), and authorizes application fees, permit fees, and administrative fines. In addition, the bill provides for the uses of the ARA Trust Fund, and requires all funds collected by the department and amounts paid for permits and fees to be deposited in the State Treasury into the ARA Trust Fund.

The Department of Health indicates that county health departments currently deposit moneys they collect in regulatory programs similar to the ARA Act into the County Health Department Trust Fund.

C. EFFECT OF PROPOSED CHANGES:

This bill creates the Affordable Residential Accommodation (ARA) Trust Fund, which will serve as a repository for moneys collected under the Affordable Residential Accommodations Act (HB 41) should this act become law.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. This section creates the Affordable Residential Accommodations (ARA) Trust Fund. The section provides that funds shall be credited to the trust fund as provided in HB ____ or similar legislation, to be used for the purposes set forth therein.

Section 2. Pursuant to section 19(f)(2), Art. III of the State Constitution, subsection (1) of section 1 of the bill provides for the ARA Trust Fund, unless terminated sooner, to be terminated on October 1, 2003. Prior to the 2003 Legislative Session, subsection (2) requires DOH and the Governor to recommend to the President of the Senate and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created. Such recommendations are to be based on a review of the purpose and use of the trust fund and a determination of whether the trust fund will continue to be necessary. The section provides that a recommendation to re-create the trust fund may include suggested modifications to the purposes, sources of receipts, and allowable expenditures for the trust fund. DOH's recommendation is to be made as a part of the department's legislative budget request to the Legislature pursuant to s. 216.023, F.S. The Governor's recommendation is to be made as a part of the recommended budget presented to the Legislature pursuant to s. 216.162, F.S. Subsection (3) provides that if the trust fund is terminated, DOH is to pay any outstanding debts or obligations of the trust fund as soon as practicable, and the Comptroller is to close out and remove the trust fund from the various state accounting systems using generally accepted accounting practices concerning warrants outstanding, assets, and liabilities.

Section 3. This section provides an effective date of October 1, 2000, if HB ____ or similar legislation is adopted in the same legislative session or an extension thereof.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill has no direct fiscal impact on state government.

2. Expenditures:

This bill has no direct fiscal impact on state government.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not affect local government revenues.

2. Expenditures:

This bill does not affect local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. 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 expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This 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:

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

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

Department of Health

In the DOH analysis of HB 41, the department notes that under HB 41 county public health departments collect the fees generated by the ARA program. DOH states it would not be cost effective to establish a new trust fund to deposit moneys for county public health departments. A fund already exists in the form of the County Health Department Trust

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Fund. DOH recommends that no new trust fund be created, and that HB 41 be amended to replace references to the ARA Trust Fund with the County Health Department Trust Fund.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Two technical amendments have been prepared to insert the correct substantive bill number, which is HB 41, relating to affordable residential accommodations, in this trust fund bill.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Thomas L. Hamby

Joan Highsmith-Smith