

by the Constitution and is linked to SB 702, the bill establishing the substantive program linked to this trust fund.

Section 215.3207, F.S., codifies the separate bill requirement outlined in the Constitution and requires that the statutory language creating a trust fund specify: (1) the name of the trust fund; (2) the agency or branch of state government responsible for administering the trust fund; and (3) the requirements or purposes that the trust fund is established to meet. That statute also requires that the sources of money to be credited to the trust fund or specific sources of receipts to be deposited in the trust fund be detailed in the bill text. This bill meets all of these requirements. It labels the trust fund as the Florida School Academic Improvement Trust Fund, designates the DOE as the administrative agency, establishes its purpose as strengthening private/public partnerships for the enhancement of academic programs, and directs that the moneys for the fund come from private sources matched by state funds as set forth in the General Appropriations Act.

Once created, a trust fund is subject to review in accordance with section 215.3206 and, pursuant to Article III, section 19(f)(2) of the Florida Constitution, will be terminated not more than four years after being created. Section 215.3206, F.S., provides that prior to the regular legislative session immediately preceding the termination date of any trust fund, the agency responsible for the administration of a trust fund and the Governor must recommend to the President and the Speaker of the House of Representatives whether the trust fund should be allowed to terminate or should be re-created. The cash balance of a trust fund that is terminated and not re-created will revert to the General Revenue Fund pursuant to s. 216.301, F.S.

III. Effect of Proposed Changes:

Although the fund after which this bill was modeled was terminated in 1999, funds were allocated in the General Appropriations Act to public school district education foundations for similar purposes. For fiscal year 2000-2001, the Legislature, designating the Consortium of Florida Education Foundation (CFEF) as the fiscal agent, allocated 1.3 million dollars in Specific Appropriation 137A to be used to help low performing students. The year before, the Legislature appropriated 3.4 million dollars in Specific Appropriation 99A to help "F" schools. However, since there were no "F" schools that year, the funds were returned to the General Revenue Fund. According to representatives for CFEF, this bill seeks to provide funding for low-performing students wherever they may be found by strengthening existing academic programs or funding for new ones with the help of private donations and state dollars.

This bill, in conjunction with SB 702, establishes a program designed to strengthen private/public partnerships as they relate to improving academic programs for public K-12 education. More specifically, this bill will authorize the creation of the trust fund to hold the moneys contributed by private donors and matched by state funds.

The first section of this bill creates the trust fund to be administered by the Department of Education and dictates that the fund will hold legislative appropriations plus interest earnings to be used for the purposes set forth in SB 702. Section 1 also provides that despite the reversion requirements of s. 216.301, any balance in the trust fund at the end of a fiscal year will remain there into the following year. Under section 216.351, inconsistent laws may supersede laws in Chapter 216 as long as express reference is made to the section to be superseded. Since the text

of this bill expressly references s.216.351, its directive that all funds will remain in the fund is permissible despite the reversion directive in s. 216.301. In addition, the first section of this bill also designates a termination date of July 1, 2005 pursuant to Article III, section 19(f)(2) of the Florida Constitution and requires review as outlined in s. 215.3206.

The second section of this bill provides that this act will take effect when an unspecified enabling senate bill is adopted.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The program for which this trust fund is being established is contingent upon legislative appropriations made in the General Appropriations Act and, ultimately, upon the receipt of private donations that would require matching. The bill does not mandate additional funding, but rather contemplates the use of funds already existent in the State's coffers. Therefore, this bill has no discernible fiscal impact.

VI. Technical Deficiencies:

This bill does not explicitly specify that its effectiveness is contingent upon the passage of SB 702. A dotted line next to "SB" in Section 2 of the bill indicates that the bill was drafted with the intention that the bill number for the proposal that would create the grant program be inserted at a later date. In order to correct this deficiency, the dotted line should be deleted and the numbers "702" inserted in its place.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Education:

Changes the trust fund termination date from July 1, 2005 to July 1, 2006 in accordance with Article III, section 19(f)(2) of the Florida Constitution which provides that trust funds will terminate not more than four years after being created.

#2 by Education:

Inserts the bill number, SB 702, into this bill to clarify to which bill SB 700 is linked.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
