

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1837 Implementing the 2004-2005 General Appropriations Act

SPONSOR(S): Appropriations

TIED BILLS: IDEN./SIM. BILLS:

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Appropriations	30 Y, 3 N	Kearney	Baker
2)			
3)			
4)			
5)			

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SUMMARY ANALYSIS

HB 1837 provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2004-2005. The statutory changes are effective for only one year and either expire on July 1, 2005 or revert to the language as it existed before the changes made by the bill.

The bill substantially amends, creates, repeals, or renders inapplicable the following sections of the Florida Statutes: ss. 216.292, 561.121, 409.1671, 394.908, 216.262, 215.96, 252.373, 411.01, 320.08058, 339.08, 287.057, 311.07, 1008.51, 110.1239, and 112.061.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1837.ap.doc

DATE: March 27, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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. EFFECT OF PROPOSED CHANGES:

Section 19 of Article III of the Florida Constitution states that appropriations acts "shall contain provisions on no other subject" other than making appropriations. This language has been interpreted to defeat proviso to appropriations that have the effect of amending general law. See, e.g., *Brown v. Firestone*, 382 So.2d 654 (Fla. 1980); *Chiles v. Milligan*, 659 So.2d 1055 (Fla. 1995). For this reason, when general law changes are required to effectuate appropriations, those changes are placed in a general bill implementing the General Appropriations Act (GAA) instead of in the GAA.

#### C. SECTION DIRECTORY:

Section 1. This section provides legislative intent.

#### **Education Provisions**

Section 2. Allows state universities that have not yet converted to their own accounting systems to use the state accounting system without payment to the Department of Financial Services for that service. All funds appropriated to state universities for the 2004-2005 fiscal year are required to be distributed according to an operating budget approved by the university board of trustees. Each university board of trustees is required to include certain trust fund revenues within its operating budget, including funds supported by student and other fees and funds within the Contracts, Grants, and Donations; Auxiliary Enterprises; and, Sponsored Research budget entities. Each university board of trustees is given control of its operating budget. Implements Specific Appropriations 32-36, 153-157, 159, and 160 of the 2004-2005 General Appropriations Act.

Section 3. Amends s. 220.187, F.S., to cap tax credits for contributions to nonprofit scholarship-funding organizations at \$50 million for the 2004-2005 fiscal year. The cap would otherwise be at \$88 million.

#### **Health and Human Services Provisions**

Section 4. Amends s. 216.292, F.S., to allow the Department of Children and Families to transfer funds within the family safety program between specified appropriation categories without limitation. Notice of proposed transfers must be provided to the Executive Office of the Governor and the chairs of the legislative appropriations committees at least 5 working days before implementation. Implements Specific Appropriations 303, 306, and 308 of the 2004-2005 General Appropriations Act.

Section 5. Amends s. 561.121, F.S., to allow funds in the Children and Adolescents Substance Abuse Trust Fund to be used for adult substance abuse services. Implements Specific Appropriations 385 and 388 of the 2004-2005 General Appropriations Act.

Sections 6-7. Amends s. 409.1671, F.S., to allow lump sum funding related to the continuity of child welfare services in the event of lead agency failure in the Department of Children and Family Services. This is in lieu of the previously required placement in Administered Funds. Implements Specific Appropriation 301D of the 2004-2005 General Appropriations Act.

Sections 8. Amends s. 394.908, F.S., to provide that all new funds for substance abuse and mental health services in excess of prior year recurring appropriations must be allocated pursuant to the General Appropriations Act, but no district may receive less than its current budget. Implements Specific Appropriations 356-388 of the 2004-2005 General Appropriations Act.

Section 9. Authorizes the Department of Children and Family Services to contract with a provider to finance, design, construct, and operate a treatment facility for the treatment of persons with mental illness. For this purpose, Section 8 renders the 3-year maximum term on contracts for the procurement of services inapplicable and allows for a contract period up to 20 years. Implements Specific Appropriations 436-445 of the 2004-2005 General Appropriations Act.

Section 10. Authorizes the Department of Corrections and the Department of Juvenile Justice to make expenditures to defray costs incurred by a municipality or county for facilities operated under the authority of either department. The payment may not exceed one percent of construction costs, less any building impact fees paid to the local government. Implements legislative intent regarding the use of funds in Specific Appropriations 667, 681, 693, and 1138 of the 2004-2005 General Appropriations Act.

Section 11. Amends 216.262(4), F.S., to establish the date of the most recent Criminal Justice Estimating Conference against which the formula for determining whether a new conference must convene is measured. Section 11 also requires approval of the Legislative Budget Commission for convening the Conference through this method. Implements Specific Appropriations 655-751 and 781-794 of the 2004-2005 General Appropriations Act.

Section 12. Authorizes the Supreme Court to transfer funds from its Article V Contingency Fund to the Justice Administrative Commission if required to address unanticipated shortfalls in funds otherwise appropriated for the State Attorneys and Public Defenders to meet the requirements of due process. Implements Specific Appropriation 2889C of the 2004-2005 General Appropriations Act.

Section 13. Amends s. 215.96, F.S., to continue the work of the Enterprise Resource Planning Integration Task Force in coordinating the integration of Aspire, the FLAIR replacement project, with the Cash Management System, the payroll system, the Legislative Appropriations System/Planning and Budgeting Subsystem, the State Purchasing System and MyFlorida Marketplace project, the Cooperative Personnel Employment Subsystem and the PeopleFirst Outsourcing project and the State Unified Tax system. Implements Specific Appropriation 2321 of the 2004-2005 General Appropriations Act.

Section 14. Provides for the construction of an agricultural interdiction station in Escambia County by the Department of Agriculture and Consumer Services through contract with the Department of Transportation, notwithstanding certain purchasing laws. This is the second year of a two-year period for this exception.

Section 15. Amends s. 373.59, F.S., to provide for specific allocations to the Suwannee River Water Management District and the Northwest Florida Water Management District prior to applying the existing allocation among all water management districts. The additional funds to the Suwannee River Water Management District are for implementing best management practices in the Suwannee River Basin and the additional funds for the Northwest Florida Water Management District are for administration.

Section 16. Amends s. 252.373, F.S., to provide that the use of the Emergency Management, Preparedness, and Assistance Trust Fund shall be as provided in the General Appropriations Act. Also allows certain unspent or unencumbered funds to be transferred to the Grants and Donations Trust Fund to be used for the state portion of the match requirements for federally approved disaster projects. Implements Specific Appropriation 1496 of the 2004-2005 General Appropriations Act.

Section 17. Amends s. 411.01, F.S., to give priority for the placement of children in the school readiness program to those families receiving temporary cash assistance and subject to federal work requirements. Implements Specific Appropriations 2122F and 2122G of the 2004-2005 General Appropriations Act.

Section 18. Amends s. 320.08058, F.S., to allow proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and for the financial support of the Sunshine State Games. Implements Specific Appropriation 2480L of the 2004-2005 General Appropriations Act.

Section 19. Amends s. 339.08, F.S., to allow for the transfer of \$100 million from the State Transportation Trust Fund to the General Revenue Fund in the General Appropriations Act, and to reduce the amount transferred from certain calculation requirements. Implements section 20 of the 2004-2005 General Appropriations Act.

Section 20. Amends s. 287.057(5), F.S., to exempt the Department of State and the Supervisors of Elections or their professional associations from competitive solicitation requirements with respect to voter education activities. Implements Specific Appropriation 2826O of the 2004-2005 General Appropriations Act.

Section 21. Amends s. 311.07(3)(b), F.S., to extend flexibility for seaport security measures for a one-year period. Implements Specific Appropriation 1993 of the 2004-2005 General Appropriations Act.

Sections 22. Notwithstands s. 1008.51 to provide that the Council for Education Policy Research and Improvement will be administered by the Auditor General. The Council, as it did in the past fiscal year, will remain independent of the Auditor General for programmatic purposes. Implements Specific Appropriation 2589 of the 2004-2005 General Appropriations Act.

Section 23. Authorizes the Executive Office of the Governor to transfer funds in "Special Categories-Risk Management Insurance" between departments in order to align the budget authority granted with the premiums paid by each department for risk management insurance. Implements the collective Special Categories of this name in the 2004-2005 General Appropriations Act.

Section 24. Authorizes the Executive Office of the Governor to transfer funds in "Special Categories-Transfer to the Department of Management Services-Human Resources Services Purchase Per Statewide Contract" between departments in order to align the budget authority granted with the assessments that must be paid by each agency to the Department of Management Services for human resource management services. Implements the collective Special Categories of this name in the 2004-2005 General Appropriations Act.

Section 25. Authorizes the Executive Office of the Governor to transfer funds appropriated for the State Employees Group Health Insurance Plan in the Salaries and Benefits category between departments in order to align the budget authority granted in accordance with the redesign of the State Employees Group Health Insurance Program and necessary realignment for state contribution revisions and the results of the open enrollment period. Implements Section 8 of the 2004-2005 General Appropriations Act.

Section 26. Amends s. 110.1239, F.S., to extend to June 30, 2005, the scheduled expiration of the duty of the Department of Management Services to determine premium levels necessary to fund the state employees' health insurance program. Implements Section 8 of the 2004-2005 General Appropriations Act.

Section 27. Amends s. 112.061, F.S., to remove the Class C travel reimbursement for state travelers during the 2004-2005 fiscal year. Class C travel is defined in s. 112.061, F.S., as "travel for short or day trips where the traveler is not away from his or her official headquarters overnight." Implements sections 2 through 7 of the 2004-2005 General Appropriations Act.

Section 28. Specifies that no section shall take effect if the appropriations and proviso to which it relates is vetoed.

Sections 29 and 30. Provide for a permanent change made by another law to any of the same statutes amended by this bill to take precedence over the provision in this bill.

Section 31. Provides a severability clause.

Section 32. Provides an effective date.

## **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: None

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR: None.**

### **D. FISCAL COMMENTS:**

Although the provisions of this bill allow specific budget decisions to be effective, actual funding changes are made in the General Appropriations Act.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision: Not applicable. This bill does not appear to affect municipal or county government.

2. Other:

B. RULE-MAKING AUTHORITY: Not applicable.

C. DRAFTING ISSUES OR OTHER COMMENTS: None.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**