

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Ways and Means Committee

BILL: SB 2602

SPONSOR: Ways and Means Committee and Senator Carlton

SUBJECT: Implementing Appropriations for Fiscal Year 2005-2006

DATE: April 5, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Heflin</u>	<u>Coburn</u>	<u>WM</u>	Withdrawn
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill provides statutory authority necessary to implement and execute the General Appropriations Act for the 2005-2006 fiscal year. Such statutory changes are temporary and either expire on July 1, 2006, or revert to the original language at that time. The bill includes legislative adoption, by reference to a document filed with the Secretary of the Senate, of performance measures and standards for specific programs of the agencies in the budget. The bill also incorporates by reference a document titled "Public School Funding The Florida Education Finance Program."

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: ss. 16.555, 20.19, 27.701, 27.702, 27.709, 27.711, 110.12315, 110.1239, 112.061, 215.96, 216.181, 216.262, 216.292, 287.161, 320.08058, 373.4137, 375.041, 375.045, 381.0066, 381.79, 385.207, 394.908, 445.048, 601.15, and 718.501. Sections of this bill notwithstanding conflicting provisions in ss. 11.13, 1008.51 and 403.7095 and chapters 287 and 337, Florida Statutes.

II. Present Situation:

In the past, substantive language was included in proviso or in separate sections of the General Appropriations Act to clarify how funds contained in the act were to be expended. However, decisions such as Brown v. Firestone, 382 So. 2d 654 (Fla. 1980), and Graham v. Firestone, Circuit Court of the Second Judicial Circuit, #82-1703, Leon County Florida, 1982, have found such proviso language in the annual General Appropriations Act to be unconstitutional and void.

III. Effect of Proposed Changes:

Each change below expires July 1, 2006.

Section 1. This section provides legislative intent.

Section 2. Implements Specific Appropriations 5, 6, and 73-79, incorporating the document “Public School Funding The Florida Education Finance Program” by reference, indicating that the calculations shown therein are the basis for certain education appropriations pursuant to s. 1011.65, F.S.,

Section 3. Notwithstands s. 1008.51, F.S., to implement Specific Appropriation 2608, requiring the Auditor General to administer the budget of the Council for Education Policy Research, which shall remain an independent advisory citizen board. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 4. Amends s. 216.292, F.S., to implement Specific Appropriations 296, 299, and 301. The Department of Children and Family Services is authorized 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. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 5. Amends s. 561.121, F. S., implementing Specific Appropriation 388, to allow funds in the Children and Adolescents Substance Abuse Trust Fund to be used for adult substance abuse services. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 6. Amends s. 287.057, F.S., implementing Specific Appropriations 316-322, and 395-404, to authorize the Department of Children and Family Services to contract with a provider to finance, design, construct, and operate one 200-bed forensic treatment facility and one 600-bed treatment facility for the treatment of persons with mental illness. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 7. Amends s. 402.305, F.S., implementing Specific Appropriation 284, requiring the Department of Children and Family Services to offer the Child Care Competency Exam in Spanish at least once a year. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 8. Implements Specific Appropriations 251 through 445, extending the removal of restrictions placed on the utilization of fees collected for services by the Department of Children and Families pursuant to section 402.33, F.S., for one year, and allowing the department to use the funds for nonrecurring expenditures for direct client services and administrative costs of improving the fee collection program. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 9. Implements legislative intent regarding the use of funds in Specific Appropriations 676, 688, 698, 1136, authorizing 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 each department. The payment may not exceed one percent of the construction costs, less any building impact fees paid to the local government. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 10. Amends s. 216.262, F.S., to implement Specific Appropriations 666 through 761, and 797 through 811, allowing the Executive Office of the Governor to request additional positions and other resources, including fixed capital outlay, for the Department of Corrections, if the Criminal Justice Estimating Conference projects a certain increase in the inmate population and the additional positions are approved by the Legislative Budget Commission. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 11. Amends s. 16.555, F.S., to implement Specific Appropriation 1263, authorizing the Crime Stoppers Trust Fund to be used for Department of Legal Affairs salary and benefits and expenses. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 12. Implements Specific Appropriations 842 and 2999, allowing funds to be transferred, pursuant to s. 216.177, F.S., from the courts to the Justice Administration Commission in order to address unanticipated shortfalls in due process services appropriations. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 13. Amends s. 413.4021, F.S., to implement Specific Appropriations 866, 967, 901, 903, 911, 913, 921, 931, and 933, authorizing the continuation and funding of the pilot program for tax collection enforcement diversion program in the Department of Revenue. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 14. Implements Specific Appropriations 836, 837, 839, 840, and 3020, authorizing the Governor or the Chief Justice of the Supreme Court to submit a budget amendment, in accordance with ss. 29.015 and 29.016, F.S., for consideration by the Legislative Budget Commission to authorize the expenditure of funds from the Working Capital Fund to offset deficiencies projected by the Justice Administration Commission or the state courts in any specific appropriation provided for due process services. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 15. Authorizes the Department of Legal Affairs to spend funds from Specific Appropriations 1274 and 1277 on the same programs and in the same method as was done in the 2004-2005 fiscal year.

Section 16. Notwithstanding chapters 287 and 337, F.S., to implement Specific Appropriations 1442 and 1444, enabling the Department of Agriculture to enter into agreement with the Department of Transportation to expedite the construction of the Northwest Florida Interdiction Station. The construction of this project was delayed due to complexities in obtaining environmental permits. DOT has the appropriate staff and expertise to administer this project and their flexibility to contract with appropriate vendors will speed up the construction process. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 17. Implements the appropriation of funds in Special Categories-Risk Management Insurance, allowing the Executive Office of the Governor to transfer funds appropriated for the payment of risk management insurance premiums between departments. The amendment to the approved operating budget is subject to the notice, review and objection procedures of s. 216.177, F.S. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 18. Implements the appropriation of funds in Special Categories-Transfer to Department of Management Services-Human Resources Purchased Per Statewide Contract. Allows the Executive Office of the Governor to transfer funds appropriated for the payment of the statewide human resource management services contract between departments. The amendment to the approved operating budget is subject to the notice, review, and objection procedures of s. 216.177, F.S. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 19. Amends s. 112.061, F.S., to implement Sections 2 through 7 of the General Appropriations Act, removing the Class C travel reimbursement (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 20. Notwithstanding s. 403.7095, F.S., to implement Specific Appropriation 1761, requiring the Department of Environmental Protection to award \$6.5 million in solid waste management grants in equal amounts to small counties, and \$1.2 million in competitive innovative grants to certain cities and counties already identified by the department to the Legislature. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF, but with different amounts specified and grants not provided to large counties.)

Section 21. Amends s. 375.041, F.S., to implement Specific Appropriation 1703, allowing funds from the Land Acquisition Trust Fund to be appropriated for water quality issues. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 22. Creates s. 376.30715, F.S., notwithstanding s. 376.305(6)(a), F.S., to implement Specific Appropriation 1742, allowing only contaminated sites acquired prior to July 1, 1990, and not operated as petroleum storage or retail businesses prior to January 1, 1985, to be eligible for financial assistance in the Abandoned Tank Restoration program administered by the Department of Environmental Protection.

Section 23. Amends s. 287.057, F.S. to implement Specific Appropriation 2683A, explicitly requiring all fees collected for the use of the state's on-line procurement system to be deposited into the State Treasury consistent with the provisions of s. 215.31, F.S.

Section 24. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text.

Section 25. Amends s. 320.08058, F.S., to implement Specific Appropriation 2501, allowing proceeds from the Professional Sports Development Trust Fund to be used for operational expenses of the Florida Sports Foundation and financial support of the Sunshine State Games. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 26. Amends s. 445.048, F.S., to implement Specific Appropriation 2100. The Passport to Economic Progress demonstration program will continue to include Sarasota County, which was added in 2003-2004. Workforce Florida, Inc., in cooperation with the Department of Children and Family Services and the Agency for Workforce Innovation, is authorized to offer performance-based incentives in conjunction with this program, providing that the bonuses do not exceed the funds appropriated. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 27. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text.

Section 28. Amends s. 253.034, F.S., to implement section 25 of the 2005-2006 General Appropriations Act, authorizing the funds from the sale of property by the Department of Highway Safety and Motor Vehicles in Palm Beach County to be deposited into the Highway Safety Operating Trust Fund. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 29. Amends s. 402.3017, F.S., to implement Specific Appropriation 2162F, allowing the Agency for Workforce Innovation to administer and implement the Teacher Education and Compensation Helps (TEACH) scholarship program, providing education scholarships to caregivers and administrators of early childhood programs and family day care homes. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 30. Amends s. 287.057, F.S., to implement Specific Appropriation 2930, providing exceptions to the competitive solicitation requirements for commodities or contractual services related to voter education activities in the Department of State. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 31. Amends s. 259.032, F.S., to implement Specific Appropriation 2982C, allowing funds from the 1.5 percent of total funds deposited into the Florida Preservation 2000 Trust Fund and Florida Forever Trust Fund that have been allocated to the Department of State for capital improvements and associated costs to also be used for construction of replacement museum facilities.

Section 32. Amends s. 288.1045, F.S., implementing Specific Appropriation 2495, extending the Qualified Defense Contractor (QDC) tax refund for one year. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 33. Amends s. 288.106, F.S., implementing Specific Appropriation 2495, extending the Qualified Target Industry (QTI) tax refund for one year. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 34. Amends s. 290.044, F.S., to implement Specific Appropriation 1544, adjusting the distribution and administration of the Florida Small Cities Community Development Block Grant program.

Section 35. Provides that the amendments in the previous section are effective for only one year and that the previous section will revert to its original text after one year.

Section 36. Amends s. 311.22, F.S., to implement Specific Appropriation 1993, establishing a program to provide matching funds for dredging projects in counties having a population of fewer than 300,000 according to the last official census.

Section 37. Notwithstanding the provision of subsections (4) and (5) of s. 339.135 and of sections 339.08 or 339.175, F.S., to implement Specific Appropriations 1989-2003, 2017-2019, 2021-2038, and 2074-2084, allowing the Legislature to appropriate increased transportation revenues identified by the March 2005 consensus estimating conference for transportation projects.

Section 38. Creates s. 320.0846, F.S., to implement Specific Appropriation 2575, providing one free motor vehicle license plate to active members of the Florida National Guard upon request and proof of eligibility.

Section 39. Creates s. 250.5206, F.S., to implement Specific Appropriation 2803A, requiring the Department of Military Affairs to establish a program to provide need-based assistance and services to families of active duty Florida National Guard members who are engaged in or deployed for the war on terrorism or homeland defense.

Section 40. Reenacts s. 215.32, F.S., allowing unappropriated trust fund balances to be transferred to the Working Capital Fund or Budget Stabilization Fund. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 41. Amends s. 216.192, F.S., requiring state agencies to submit operational work plans to the Executive Office of the Governor and the chairs of the legislative appropriations committees for all IT projects.

Section 42. Implements sections 2 through 7 of the 2005-2006 General Appropriations Act to require additional planning in the Aspire project to decrease the number of “shadow systems” that duplicate functionality.

Section 43. Declares legislative determination that the authorization and issuance of debt for the 2005-2006 fiscal year is in the best interest of the state and should be implemented. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 44. Specifies that no section will take effect if the appropriations and proviso to which it relates are vetoed. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 45. Provides that a permanent change made by another law to any of the same statutes amended by this bill takes precedence over the provision in this bill. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 46. Provides that standards and performance measures, filed with the Secretary of the Senate and dated March 28, 2005, are incorporated by reference and will be applied to programs

for the 2005-2006 fiscal year. (Repeated from the 2004-2005 Implementing Bill, ch. 2004-269, LOF.)

Section 47. Provides a severability clause.

Section 48. Provides a contingent effective date.

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:

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

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

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