

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 5003C PCB PBC 07C-02 Implementing the Act Making Appropriations and Reductions in Appropriations for the 2007-2008 State Fiscal Year

SPONSOR(S): Policy & Budget Council and Sansom

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Policy & Budget Council	23 Y, 6 N	Martin	Hansen
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

The bill provides the statutory authority necessary to implement and execute the provisions of House Bill 5001C, 2007C Special Session, a special appropriations act for Fiscal Year 2007-08. The statutory changes are effective for only one year and either expire on July 1, 2008 or revert to the language as it existed before the changes made by the act.

The bill substantially amends ss. 1003.03, 1006.36, 1011.62, and 1011.71 Florida Statutes (F.S.); revising provisions relating to maximum class size; term of adoption for instructional materials; and funds for operation of schools. It also provides that the calculations for the budget adjustments to the Florida Education Finance Program in the document entitled "Public School Funding—The Florida Education Finance Program Revised Second Calculation" dated October 2007 are incorporated by reference for the purpose of displaying the calculations used by the Legislature in making appropriations for the Florida Education Finance Program.

Since the bill implements provisions of House Bill 5001C, 2007C Special Session, there are no direct fiscal impacts created by this bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

The bill does not appear to implicate any of the House Principles.

B. EFFECT OF PROPOSED CHANGES:

Section 19 of Article II 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 appropriations act instead of in the appropriations act.

C. SECTION DIRECTORY:

Section 1. Provides legislative intent that the provisions of this act apply to the act making appropriations and reductions in appropriations for the 2007-2008 state fiscal year.

Section 2. **Maximum Class Size:** Amends s. 1003.03(4), F.S.; Deletes the requirement, that in the event a school district does not reduce class sizes pursuant to s. 1003.03(2), F.S., the Department of Education shall calculate an amount equivalent to the amount of class size reduction not accomplished and the Executive Office of the Governor shall transfer undistributed funds equivalent to the calculated amount from the district’s class size reduction operating categorical to an approved fixed capital outlay appropriation for class size reduction in the affected district. Implements Specific Appropriations 2, 11, 11A, 12, and 12A of House Bill 5001C, 2007C Special Session.

Section 3. This section provides that the amendments to s. 1003.03, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 4. **Term of Adoption for Instructional Materials:** Amends s. 1006.36(2), F.S.; authorizes a district school board to delay the official textbook adoption cycle by one year. Implements Specific Appropriations 11 and 11A of House Bill 5001C, 2007C Special Session.

Section 5. This section provides that the amendments to s. 1006.36, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 6. **Funds for Operation of Schools:** Amends s. 1011.62(6)(b), F.S.; Authorizes the use of research-based reading funds and instructional materials funds for academic classroom instruction with the provision that the district school board adopt a resolution at a regular meeting of the school board that expenditures for administration and for all functions not core to K-12 instruction have been reduced to the maximum possible and that the funds are needed to maintain school board specified academic classroom instruction. Implements Specific Appropriations 11 and 11A of House Bill 5001C, 2007C Special Session.

Section 7. This section provides that the amendments to s. 1011.62, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 8. **Capital Outlay Funds:** Amends s. 1011.71(3), F.S.; Deletes the requirement that a district school board must have received an unqualified opinion on its financial statements for the preceding 3 years, and have no material weaknesses or instances of noncompliance noted in an audit for the preceding 3 years as one of the qualifications to expend two mill capital outlay funds for the purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment, or for the payment of the cost of premiums for property and casualty insurance necessary to insure school district educational and ancillary plants. Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district. Implements Specific Appropriations 11 and 11A of House Bill 5001C, 2007C Special Session.

Section 9. This section provides that the amendments to s. 1011.71, Florida Statutes, made by this act shall expire July 1, 2008, and the text of that section shall revert to that in existence on the day before the effective date of this act, except that any amendments to such text enacted other than by this act shall be preserved and continue to operate to the extent that such amendments are not dependent upon the portions of such text which expire pursuant to this section.

Section 10. Provides that the calculations for the budget adjustments to the **Florida Education Finance Program** in the document entitled "Public School Funding--The Florida Education Finance Program Revised Second Calculation" dated October 2007 are incorporated by reference for the purpose of displaying the calculations used by the Legislature in making appropriations for the Florida Education Finance Program. This section expires July 1, 2008. Implements Specific Appropriations 2 and 11 through 12A of House Bill 5001C, 2007C Special Session.

Section 11. Specifies that no section shall take effect if the appropriations and proviso to which it relates are vetoed.

Section 12. Provides intent that a permanent change made by another law to any of the same statutes amended by this act shall take precedence over the provision in this act.

Section 13. Provides a severability clause.

Section 14. Provides that this act shall take effect upon becoming a law.

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 House Bill 5001C, 2007C Special Session.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable because this bill does not: require counties or cities to spend funds or take action requiring the expenditure of funds; reduce the authority that cities or counties have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with cities or counties.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES