

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the General Government Appropriations Committee

BILL: CS/SB 1416

INTRODUCER: General Government Appropriations Committee and Senator Baker

SUBJECT: Implementing Appropriations

DATE: March 19, 2010 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	DeLoach	DeLoach	GA	Fav/CS
2.			WPSC	
3.			RC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2010-2011. Statutory changes are temporary and either expire on July 1, 2011, or revert to the original language at the time.

The bill substantially amends or reenacts the following sections of the Florida Statutes: 253.034, 255.518(1)(b), 373.59, 375.041, 403.1651, 403.7095, and 570.20.

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, 2011.

Section 1 provides legislative intent.

Section 2 amends s. 253.034, F.S., to authorize the Department of Citrus to deposit funds derived from the sale of property into the Citrus Advertising Trust Fund (repeated from the 2009-2010 Implementing Bill).

Section 3 removes the prohibition of funding reserve funds from bond proceeds (repeated from the 2009-2010 Implementing Bill).

Section 4 provides for the expiration of s. 255.518(1)(b), F.S., as it relates to the payment of debt service, on July 1, 2011 (repeated from the 2009-2010 Implementing Bill).

Section 5 prioritizes the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2010-2011 only (repeated from the 2009-2010 Implementing Bill).

Section 6 authorizes funds in the Land Acquisition Trust Fund to be used for the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Total Maximum Daily Loads programs.

Section 7 expands current funding provisions for the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection to allow for the funding of activities which preserve and repair the state's beaches (repeated from the 2009-2010 Implementing Bill).

Section 8 provides that the amendments to s. 403.1651(1), F.S., shall expire July 1, 2011, and the text in that section shall revert to the existing statutory language (repeated from the 2009-2010 Implementing Bill).

Section 9 authorizes the transfer of funds from the Ecosystem Management and Restoration Trust Fund to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the Farm Share, Food Banks, and Mosquito Control programs and the Technological Research and Development Authority.

Section 10 implements the appropriation of funds and amends s. 570.20, F.S., to authorize moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services (repeated from the 2009-2010 Implementing Bill).

Section 11 permits the Department of Environmental Protection to award grants equally to certain small counties for solid waste programs (repeated from the 2009-2010 Implementing Bill).

Section 12 allows the Department of Agriculture and Consumer Services to extend, revise, or renew a contract related to promotion of agriculture (repeated from the 2009-2010 Implementing Bill).

Section 13 directs the Executive Office of the Governor to sell a plane and deposit the receipts from the sale into the Bureau of Aircraft Trust Fund for continued operation of the Executive Airpool program. Revenues are exempt from the general revenue service charge.

Section 14 directs the Department of Financial Services to procure a state term contract for office supplies with multiple vendors.

Section 15 specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.

Section 16 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.

Section 17 provides a severability clause.

Section 18 provides an effective date of July 1, 2010.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

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. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by General Government Appropriations Committee on March 19, 2010:

This committee substitute:

- Provides the statutory authority necessary to implement and execute the General Appropriations Act for Fiscal Year 2010-2011.
- Authorizes the Department of Citrus to deposit funds derived from the sale of property into the Citrus Advertising Trust Fund
- Removes the prohibition of funding reserve funds from bond proceeds.
- Provides for the expiration of s. 255.518(1)(b), F.S., , as it relates to the payment of debt service, on July 1, 2011.
- Prioritizes the distribution of funds in the Water Management Lands Trust Fund within the Department of Environmental Protection for Fiscal Year 2010-2011 only.
- Authorizes funds in the Land Acquisition Trust Fund to be used for the Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, and the Total Maximum Daily Loads programs.
- Expands current funding provisions for the Ecosystem Management and Restoration Trust Fund within the Department of Environmental Protection.
- Provides that the amendments to s. 403.1651(1), F.S., shall expire July 1, 2011, and the text in that section shall revert to the existing statutory language.
- Authorizes the transfer of funds from the Ecosystem Management and Restoration Trust Fund to the General Inspection Trust Fund in the Department of Agriculture and Consumer Services for the Farm Share, Food Banks, and Mosquito Control programs and the Technological Research and Development Authority.
- Authorizes moneys in the General Inspection Trust Fund to be appropriated for certain programs operated by the Department of Agriculture and Consumer Services.
- Permits the Department of Environmental Protection to award grants equally to certain small counties for solid waste programs.
- Allows the Department of Agriculture and Consumer Services to extend, revise, or renew a contract related to promotion of agriculture.
- Directs the Executive Office of the Governor to sell a plane and deposit the receipts from the sale into the Bureau of Aircraft Trust Fund for continued operation of the Executive Airpool program.

- Directs the Department of Financial Services to procure a state term contract for office supplies with multiple vendors.
- Specifies that no section of this bill will take effect if the appropriations and proviso to which it relates are vetoed.
- 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.
- Provides a severability clause.
- Provides an effective date of July 1, 2010.

B. Amendments:

None.