

STORAGE NAME: h1161a.leps

DATE: April 8, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
LAW ENFORCEMENT AND PUBLIC SAFETY
BILL RESEARCH & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1161

RELATING TO: State Attorney/Public Defender Budget Transfer Authority

SPONSOR(S): Representative Meek

STATUTE(S) AFFECTED: Sections 27.38 and 27.60, F.S.

COMPANION BILL(S): SB 656

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) LAW ENFORCEMENT AND PUBLIC SAFETY
- (2)
- (3)
- (4)
- (5)

I. SUMMARY:

House Bill 1161 provides for an increase in the amount of money which state attorneys and public defenders may transfer between budget or appropriations categories. The allowable amount increases from \$25,000 to 100,000.

II. SUBSTANTIVE RESEARCH:

A. PRESENT SITUATION:

The management of legislatively appropriated funds is governed by several provisions in Chapter 216, Florida Statutes. Broad expenditure categories are recognized in law and it is under these titles that appropriated funds are placed. Generally these are Salaries and Benefits, Other Personal Services, Operating Capital Outlay, Expenses, Fixed Capital Outlay, and Special Categories. The state budgeting system is a combination of line-item and program components and dates from the 1960s. Within the past three years some migration to a performance-based system has occurred. When fully operational, all executive departments will have tangible expectations of performance embedded in their operational budgets along with the expectation of incentives and sanctions for achieving or falling short of their targets.

Chapter 216, F.S., provides for the transfer of funds among different appropriations categories when operational requirements so dictate. A statutory notification and approval process involving the affected agency, Governor's Office of Planning and Budgeting, the Administration Commission [Governor, Comptroller, and State Treasurer], and the respective Appropriations Committees of the Legislature oversees the movement of funds. Current law recognizes a permitted transfer range for State Attorneys and Public Defenders to be \$25,000 plus 5% of the budget category. Other state agencies have similar budget transfer clauses embedded in their organizational statute. Both the former Department of Health and Rehabilitative Services [Children and Families] and the Department of Corrections received internal budget transfer allowances of up to 10% when each was created in 1975 [s.20.19(9)(c) 8. and s. 20.315(13)(b) 4., F.S.].

With the advent of Performance-Based Program Budgeting, s. 216.0166, F.S., agencies will incrementally receive lump sum appropriations on the basis of approved program lists which will subsequently be allocated in traditional expenditure categories. The existing legislative/executive review and approval process will continue to apply to transfers which occur from other budget entities.

B. EFFECT OF PROPOSED CHANGES:

The bill amends ss. 27.38 and 27.60, F.S., to increase the dollar threshold of approved budget transfers for state attorneys and public defenders from the current \$25,000 to \$100,000.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

- a. Does the bill create, increase or reduce, either directly or indirectly:

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(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

Not applicable.

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION RESEARCH:

Section 1: Authorizes an increase in the budget transfer authority for state attorneys from \$25,000 to \$100,000 between budget categories or appropriations categories.

Section 2: Authorizes an increase in the budget transfer authority for public defenders from \$25,000 to \$100,000 between budget categories or appropriations categories.

Section 3: Provides for an effective date.

III. FISCAL RESEARCH & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

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1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

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IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a tax shared with counties or municipalities.

V. COMMENTS:

None

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON LAW ENFORCEMENT AND PUBLIC SAFETY:

Prepared by:

Legislative Research Director:

Kurt E. Ahrendt

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