

STORAGE NAME: h1831.gg
DATE: April 2, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
GENERAL GOVERNMENT APPROPRIATIONS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1831 (PCB GG 97-02)

RELATING TO: Implementing the General Appropriations Act for FY 1997-1998

SPONSOR(S): General Government Appropriations Committee

STATUTE(S) AFFECTED: 372.672, 259.032, 376.11, F.S.

COMPANION BILL(S):

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

(1) GENERAL GOVERNMENT APPROPRIATIONS YEAS 8 NAYS 0

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I. SUMMARY:

This bill implements the General Appropriations Act in the area of general government for FY 1997-1998.

II. SUBSTANTIVE ANALYSIS:

A. 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. 2nd 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.

B. EFFECT OF PROPOSED CHANGES:

This legislation provides the necessary statutory authority to temporarily implement and execute specific appropriations in the General Appropriations Act in lieu of the apparent unconstitutional methods utilized prior to the historic court decisions.

C. SECTION-BY-SECTION ANALYSIS:

Section 1. Provides legislative intent.

Section 2. Adds subsection (4) to section 372.672, F.S., which authorizes up to \$50,000 to be appropriated from the Florida Panther Research and Management Trust Fund to reimburse expenses incurred in recovering, housing, and maintaining Texas cougars originally purchased as part of the Florida panther research and management program.

Section 3. Amends section 259.032, F.S., authorizing the appropriation of funds from the Conservation and Recreation Lands Trust Fund for outdoor-recreation grants to local governments.

Section 4. Adds paragraph (7) to section 376.11, F.S., to authorize up to \$10 million to be transferred by appropriation to the Ecosystem Management and Restoration Trust Fund to finance beach inlet protection.

Section 5. Provides for severability.

Section 6. Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

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:

Although the provisions of this bill affect the authority of the General Appropriations Act to transfer or to appropriate dollars, decisions related to fiscal consequences are actually made in the General Appropriations Act.

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 any actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority of counties or municipalities to raise revenues in the aggregate, as such authority existed on February 1, 1989.

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

This bill does not reduce the percentage of a state tax shared with counties and municipalities as an aggregate on February 1, 1989.

V. COMMENTS:

The Florida Supreme Court's decision in Moreau v Lewis, No. 84,019, January 5, 1995, states that "[a]n implementing bill that changes or amends existing law on subjects other than appropriations runs afoul of article III, section 6 of the Florida Constitution." (P. 6)

The court further noted that "[b]ecause an appropriations bill must not change or amend existing law on subjects other than appropriations, it follows that a bill designed to implement the appropriations bill must also not change or amend existing law on subjects other than appropriations." (P. 7)

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS:

Prepared by:

Legislative Research Director:

Paitra L. Patterson

Cynthia P. Kelly