

By the Committee on Appropriations; and Senator Carlton

309-752-02

1 A bill to be entitled
2 An act implementing the 2001-2002 supplemental
3 appropriations act; providing legislative
4 intent; amending s. 216.023, F.S.; providing
5 directives for executive agencies and the
6 judicial branch in adjusting performance
7 measures and standards to respond to budgetary
8 modifications; reenacting s. 215.32(2)(b),
9 F.S., to implement the transfer of moneys to
10 the Working Capital Fund from certain trust
11 funds; providing a directive to the Department
12 of Juvenile Justice; amending s. 16.555, F.S.;
13 providing for the use of the Crime Stoppers
14 Trust Fund; amending s. 860.158, F.S.;
15 providing directives for the use of moneys in
16 the Florida Motor Vehicle Theft Prevention
17 Trust Fund; amending s. 339.135, F.S.;
18 requiring adjustment of the adopted work
19 program of the Department of Transportation to
20 include certain economic stimulus projects;
21 amending s. 44.108, F.S.; providing for use of
22 moneys in the state mediation and arbitration
23 trust fund; limiting the use of funds for
24 state-employee travel; requiring the Governor
25 to furnish a copy of his recommended balanced
26 budget to members of the Legislature; providing
27 for school district flexibility in the
28 2001-2002 fiscal year expenditure of specified
29 funds appropriated in ch. 2001-253, Laws of
30 Florida; providing for reports; delaying the
31 requirement in s. 230.23, F.S., that the

1 adopted school board budget include a reserve
2 for funding a supplement; delaying the
3 requirement in s. 235.061, F.S., relating to
4 relocatables for long-term use; delaying the
5 requirement in s. 235.062, F.S., relating to
6 relocatable facilities; establishing conditions
7 for certain spending authority; providing for
8 repeal; providing effect of veto of specific
9 appropriation or proviso to which implementing
10 language refers; providing severability;
11 providing an effective date.

12

13 Be It Enacted by the Legislature of the State of Florida:

14

15 Section 1. It is the intent of the Legislature that
16 the implementing and administering provisions of this act
17 apply to the act making appropriations and reductions in
18 appropriations for the 2001-2002 state fiscal year.

19

20 Section 2. In order to implement reductions and other
21 changes in appropriations for the 2001-2002 fiscal year made
22 by Senate Bill 2-C, subsection (14) is added to section
23 216.023, Florida Statutes, to read:

24

25 216.023 Legislative budget requests to be furnished to
26 Legislature by agencies.--

27

28 (14) For the 2001-2002 fiscal year only:

29

30 (a) By January 15, 2002, executive agencies shall
31 submit to the Executive Office of the Governor adjustments to
their performance measures and standards necessitated by
reductions and other changes by the Legislature to 2001-2002
appropriations. Review, revision, and approval of such

1 adjustments shall be conducted pursuant to the requirements of
2 subsection (7).

3 (b) By January 15, 2002, the judicial branch shall
4 make adjustments to any performance measures and standards
5 necessitated by reductions and other changes by the
6 Legislature to 2001-2002 appropriations. Review, revision, and
7 approval of such adjustments shall be conducted pursuant to
8 the requirements of subsection (9).

9
10 This subsection expires July 1, 2002.

11 Section 3. In order to implement the transfer of
12 moneys to the Working Capital Fund from trust funds, paragraph
13 (b) of subsection (2) of section 215.32, Florida Statutes, is
14 reenacted to read:

15 215.32 State funds; segregation.--

16 (2) The source and use of each of these funds shall be
17 as follows:

18 (b)1. The trust funds shall consist of moneys received
19 by the state which under law or under trust agreement are
20 segregated for a purpose authorized by law. The state agency
21 or branch of state government receiving or collecting such
22 moneys shall be responsible for their proper expenditure as
23 provided by law. Upon the request of the state agency or
24 branch of state government responsible for the administration
25 of the trust fund, the Comptroller may establish accounts
26 within the trust fund at a level considered necessary for
27 proper accountability. Once an account is established within a
28 trust fund, the Comptroller may authorize payment from that
29 account only upon determining that there is sufficient cash
30 and releases at the level of the account.

31

1 2. In order to maintain a minimum number of trust
2 funds in the State Treasury, each state agency or the judicial
3 branch may consolidate, if permitted under the terms and
4 conditions of their receipt, the trust funds administered by
5 it; provided, however, the agency or judicial branch employs
6 effectively a uniform system of accounts sufficient to
7 preserve the integrity of such trust funds; and provided,
8 further, that consolidation of trust funds is approved by the
9 Governor or the Chief Justice.

10 3. All such moneys are hereby appropriated to be
11 expended in accordance with the law or trust agreement under
12 which they were received, subject always to the provisions of
13 chapter 216 relating to the appropriation of funds and to the
14 applicable laws relating to the deposit or expenditure of
15 moneys in the State Treasury.

16 4.a. Notwithstanding any provision of law restricting
17 the use of trust funds to specific purposes, unappropriated
18 cash balances from selected trust funds may be authorized by
19 the Legislature for transfer to the Budget Stabilization Fund
20 and Working Capital Fund in the General Appropriations Act.

21 b. This subparagraph does not apply to trust funds
22 required by federal programs or mandates; trust funds
23 established for bond covenants, indentures, or resolutions
24 whose revenues are legally pledged by the state or public body
25 to meet debt service or other financial requirements of any
26 debt obligations of the state or any public body; the State
27 Transportation Trust Fund; the trust fund containing the net
28 annual proceeds from the Florida Education Lotteries; the
29 Florida Retirement System Trust Fund; trust funds under the
30 management of the Board of Regents, where such trust funds are
31 for auxiliary enterprises, self-insurance, and contracts,

1 grants, and donations, as those terms are defined by general
2 law; trust funds that serve as clearing funds or accounts for
3 the Comptroller or state agencies; trust funds that account
4 for assets held by the state in a trustee capacity as an agent
5 or fiduciary for individuals, private organizations, or other
6 governmental units; and other trust funds authorized by the
7 State Constitution.

8 Section 4. In order to implement Specific
9 Appropriation 345 of Senate Bill 2-C and notwithstanding any
10 proviso contained in Specific Appropriation 1235 of chapter
11 2001-253, Laws of Florida, if Federal Title IV-E earnings do
12 not materialize, the Department of Juvenile Justice is
13 directed not to transfer general revenue funds from Specific
14 Appropriation 1200 to Specific Appropriation 1235.

15 Section 5. In order to implement Specific
16 Appropriation 358 of Senate Bill 2-C, subsection (3) of
17 section 16.555, Florida Statutes, is amended to read:

18 16.555 Crime Stoppers Trust Fund; rulemaking.--

19 (3)(a) The department shall establish a trust fund for
20 the purpose of grant administration to fund Crime Stoppers and
21 their crime fighting programs within the units of a local
22 government of the state.

23 (b) For the 2001-2002 state fiscal year only, and
24 notwithstanding any provision of this section to the contrary,
25 moneys in the trust fund may also be used to pay for salaries
26 and benefits and other expenses of the department. This
27 paragraph expires July 1, 2002.

28 Section 6. In order to implement Specific
29 Appropriations 358 and 361 of Senate Bill 2-C, subsection (2)
30 of section 860.158, Florida Statutes, is amended to read:

31

1 860.158 Florida Motor Vehicle Theft Prevention Trust
2 Fund.--

3 ~~(2)(a)~~ Money in the trust fund shall be expended as
4 follows:

5 ~~1.(a)~~ To pay the authority's cost to administer the
6 board and the trust fund.

7 ~~2.(b)~~ To achieve the purposes and objectives of this
8 act, which may include, but not be limited to, the following:

9 ~~a.1.~~ To provide financial support to law enforcement
10 and correctional agencies, prosecutors, and the judiciary for
11 programs designed to reduce motor vehicle theft and to improve
12 the administration of motor vehicle theft laws.

13 ~~b.2.~~ To provide financial support for federal and
14 state agencies, units of local government, corporations, and
15 neighborhood, community, or business organizations for
16 programs designed to reduce motor vehicle theft and to improve
17 the administration of motor vehicle theft laws.

18 ~~c.3.~~ To provide financial support to conduct programs
19 designed to inform owners of motor vehicles about the
20 financial and social cost of motor vehicle theft and to
21 suggest to those owners methods for preventing motor vehicle
22 theft.

23 ~~d.4.~~ To provide financial support for plans, programs,
24 and projects consistent with the purposes of this act.

25 (b) For the 2001-2002 fiscal year only, and
26 notwithstanding s. 320.08046, the use of funds allocated to
27 the Florida Motor Vehicle Theft Prevention Trust Fund shall be
28 as provided in Senate Bill 2-C. This paragraph expires July 1,
29 2002.

30 Section 7. In order to implement Specific
31 Appropriations 441-446 of Senate Bill 2-C, paragraph (g) is

1 added to subsection (7) of section 339.135, Florida Statutes,
2 to read:

3 339.135 Work program; legislative budget request;
4 definitions; preparation, adoption, execution, and
5 amendment.--

6 (7) AMENDMENT OF THE ADOPTED WORK PROGRAM.--

7 (g) For the 2001-2002 state fiscal year only, and
8 notwithstanding the provisions of paragraphs (b)-(f), the
9 adopted work program shall be adjusted to include projects
10 approved as economic stimulus projects resulting from
11 additional appropriations made by Senate Bill 2-C, 2001
12 Special Session C, or similar legislation enacted at the same
13 legislative session or an extension thereof. This paragraph
14 expires July 1, 2002.

15 Section 8. In order to implement Specific
16 Appropriation 633 of Senate Bill 2-C, subsection (5) is added
17 to section 44.108, Florida Statutes, to read:

18 44.108 Funding of mediation and
19 arbitration.--Mediation should be accessible to all parties
20 regardless of financial status. Each board of county
21 commissioners may support mediation and arbitration services
22 by appropriating moneys from county revenues and by:

23 (5) For the 2001-2002 fiscal year only, the use of the
24 funds allocated to the state mediation and arbitration trust
25 fund shall be as provided in Senate Bill 2-C. This subsection
26 expires July 1, 2002.

27 Section 9. It is the policy of the state that funds
28 appropriated to state agencies which may be used for
29 state-employee travel be limited, until July 1, 2002, to
30 travel for activities that are critical to the state agency's
31 mission. Funds may not be used to pay for travel by state

1 employees to foreign countries, other states, conferences,
2 staff-training activities, or other administrative functions
3 unless the respective agency head has determined that such
4 activities are critical to the agency mission. Travel for law
5 enforcement, military purposes, emergency management, and
6 public health activities is not covered by this section. The
7 agency head, or his or her designee, must consider
8 teleconferencing and other forms of electronic communication
9 to meet the needs of the proposed activity before approving
10 mission-critical travel.

11 Section 10. For the Governor's recommended budget for
12 the fiscal year 2002-2003 only, the Governor shall furnish to
13 each member of the Senate and the House of Representatives a
14 copy of his recommended balanced budget for the state, based
15 on his own conclusions and judgment, by January 15, 2002.

16 Section 11. School District Flexibility Act of 2001.--
17 (1) This act may be cited as the "School District
18 Flexibility Act of 2001."

19 (2) During the 2001-2002 fiscal year, each district
20 school board is authorized flexibility to expend funds
21 allocated to the school district from the appropriations in
22 chapter 2001-253, Laws of Florida, as provided below:

23 (a) If a district school board finds and declares in a
24 resolution adopted at a regular meeting of the school board
25 that the funds received for the programs listed below are
26 urgently needed to maintain board-specified academic classroom
27 instruction, the school board may consider and approve an
28 amendment to the school district's 2001-2002 operating budget
29 transferring the identified amount of funds to the appropriate
30 account for expenditure. These accounts are:

31

1 1. Section 236.081(3), Florida Statutes, Funds for
2 Inservice Educational Personnel Training, Specific
3 Appropriation 122.

4 2. Funds allocated for Safe Schools Activities,
5 Specific Appropriation 118.

6 3. Funds for Public School Technology, Specific
7 Appropriation 120A.

8 4. Funds for Teacher Recruitment Signing Bonuses,
9 Specific Appropriation 119, which are in excess of the amount
10 required to provide \$850 Teacher Retention Bonuses.

11 5. Funds for the District Discretionary Lottery
12 Allocation, Specific Appropriation 4A(a).

13 6. Section 231.67, Florida Statutes, the Florida
14 Teachers Lead Program Stipend, Specific Appropriation 122A,
15 carryforward funds only.

16 (b) If the district school board finds that funds
17 allocated for the purpose set forth in s. 236.08104, Florida
18 Statutes, Supplemental Academic Instruction, Specific
19 Appropriation 118, are budgeted to be expended for
20 nonclassroom instruction, the school board may consider and
21 approve an amendment to the school district's 2001-2002
22 operating budget transferring such funds to an appropriate
23 academic classroom instruction account for expenditure.

24 (3) Each district school board shall report to the
25 Department of Education the amount of funds it transfers from
26 each of the programs identified in this section and the
27 specific academic classroom instruction for which these funds
28 are being expended. The department shall provide instructions
29 and format to be used in submitting this required information.
30 The department shall submit to the Governor, the President of
31 the Senate, and the Speaker of the House of Representatives a

1 report showing the actions taken by each district school board
2 and providing a statewide summary for all school districts.

3 (4) The standard in paragraph (c) of subsection (5) of
4 section 230.23, Florida Statutes, requiring the adopted
5 district school board budget to include a reserve to fully
6 fund an additional 5-percent supplement for school
7 administrators and instructional personnel need not be met
8 until June 30, 2003.

9 (5) The standard in subsection (1) of section 235.061,
10 Florida Statutes, requiring State Board of Education rules to
11 prohibit the use as classrooms of relocatables that fail to
12 meet the standards need not be met until July 1, 2003.

13 (6) The standard in paragraph (a) of subsection (1) of
14 section 235.062, Florida Statutes, for student stations in
15 relocatable facilities exceeding 20 years of age need not be
16 met until July 1, 2004.

17 (7) Subsections (1) through (3) expire June 30, 2002.

18 (8) To take advantage of the delayed dates authorized
19 in subsections (5) and (6), a school district must:

20 (a) First use the authority for the transfer of funds
21 provided by subsections (1)-(4) before using the flexibility
22 provided by subsections (5) and (6).

23 (b) Submit to the Department of Education a plan that
24 identifies how the school district will fully comply with
25 standards for relocatable classrooms by July 1, 2003, and will
26 fully comply with the requirements of section 235.062, Florida
27 Statutes, by July 1, 2004.

28 (9) The purpose of this section is to implement
29 section 2 of Senate Bill 2-C.

30 Section 12. A section of this act that implements a
31 specific appropriation or specifically identified proviso

1 language in the act making appropriations and reductions in
2 appropriations for the 2001-2002 state fiscal year is void if
3 the specific appropriation or specifically identified proviso
4 language is vetoed. A section of this act that implements
5 more than one specific appropriation or more than one portion
6 of specifically identified proviso language in the act making
7 appropriations and reductions in appropriations for the
8 2001-2002 state fiscal year is void if all the specific
9 appropriations or portions of specifically identified proviso
10 language are vetoed.

11 Section 13. If any provision of this act or its
12 application to any person or circumstance is held invalid, the
13 invalidity shall not affect other provisions or applications
14 of the act which can be given effect without the invalid
15 provision or application, and to this end the provisions of
16 this act are declared severable.

17 Section 14. This act shall take effect upon becoming a
18 law.

19
20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
21 COMMITTEE SUBSTITUTE FOR
22 SB 4-C

23 Allows school districts the flexibility to expend certain
24 funds allocated from the 2001-2002 General Appropriations Act
25 if a district school board declares that funds are needed to
26 maintain academic classroom instruction.

27 Delays until June 30, 2003 the requirement that school
28 district budgets include a specified reserve.

29 Under certain conditions, delays until July 1, 2003 the
30 requirement that school districts replace relocatable
31 classrooms not meeting 1998 standards. Under certain
conditions, delays until July 1, 2004, the requirement that
certain student stations in relocatable facilities must be
removed.