

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 state agencies
25 to pursue authorization from the Legislative
26 Budget Commission to renegotiate contracts;
27 requiring the Governor to furnish a copy of his
28 recommended balanced budget to members of the
29 Legislature; requiring the State Board of
30 Administration and boards operating under the
31 authority of the state to refinance certain

1 bonds; requiring a report to the Legislature;
2 providing for school district flexibility in
3 the 2001-2002 fiscal year expenditure of
4 specified funds appropriated in ch. 2001-253,
5 Laws of Florida; providing for reports;
6 delaying the requirement in s. 230.23, F.S.,
7 that the adopted school board budget include a
8 reserve for funding a supplement; delaying the
9 requirement in s. 235.061, F.S., relating to
10 relocatables for long-term use; delaying the
11 requirement in s. 235.062, F.S., relating to
12 relocatable facilities; establishing conditions
13 for certain spending authority; providing for
14 repeal; providing effect of veto of specific
15 appropriation or proviso to which implementing
16 language refers; providing severability;
17 providing an effective date.

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

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21 Section 1. It is the intent of the Legislature that
22 the implementing and administering provisions of this act
23 apply to the act making appropriations and reductions in
24 appropriations for the 2001-2002 state fiscal year.

25 Section 2. In order to implement reductions and other
26 changes in appropriations for the 2001-2002 fiscal year made
27 by Senate Bill 2-C, subsection (14) is added to section
28 216.023, Florida Statutes, to read:

29 216.023 Legislative budget requests to be furnished to
30 Legislature by agencies.--

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

1 (a) By January 15, 2002, executive agencies shall
2 submit to the Executive Office of the Governor adjustments to
3 their performance measures and standards necessitated by
4 reductions and other changes by the Legislature to 2001-2002
5 appropriations. Review, revision, and approval of such
6 adjustments shall be conducted pursuant to the requirements of
7 subsection (7).

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

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15 This subsection expires July 1, 2002.

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

20 215.32 State funds; segregation.--

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

23 (b)1. The trust funds shall consist of moneys received
24 by the state which under law or under trust agreement are
25 segregated for a purpose authorized by law. The state agency
26 or branch of state government receiving or collecting such
27 moneys shall be responsible for their proper expenditure as
28 provided by law. Upon the request of the state agency or
29 branch of state government responsible for the administration
30 of the trust fund, the Comptroller may establish accounts
31 within the trust fund at a level considered necessary for

1 proper accountability. Once an account is established within a
2 trust fund, the Comptroller may authorize payment from that
3 account only upon determining that there is sufficient cash
4 and releases at the level of the account.

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

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

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

25 b. This subparagraph does not apply to trust funds
26 required by federal programs or mandates; trust funds
27 established for bond covenants, indentures, or resolutions
28 whose revenues are legally pledged by the state or public body
29 to meet debt service or other financial requirements of any
30 debt obligations of the state or any public body; the State
31 Transportation Trust Fund; the trust fund containing the net

1 annual proceeds from the Florida Education Lotteries; the
2 Florida Retirement System Trust Fund; trust funds under the
3 management of the Board of Regents, where such trust funds are
4 for auxiliary enterprises, self-insurance, and contracts,
5 grants, and donations, as those terms are defined by general
6 law; trust funds that serve as clearing funds or accounts for
7 the Comptroller or state agencies; trust funds that account
8 for assets held by the state in a trustee capacity as an agent
9 or fiduciary for individuals, private organizations, or other
10 governmental units; and other trust funds authorized by the
11 State Constitution.

12 Section 4. In order to implement Specific
13 Appropriation 345 of Senate Bill 2-C and notwithstanding any
14 proviso contained in Specific Appropriation 1235 of chapter
15 2001-253, Laws of Florida, if Federal Title IV-E earnings do
16 not materialize, the Department of Juvenile Justice is
17 directed not to transfer general revenue funds from Specific
18 Appropriation 1200 to Specific Appropriation 1235.

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

22 16.555 Crime Stoppers Trust Fund; rulemaking.--

23 (3)(a) The department shall establish a trust fund for
24 the purpose of grant administration to fund Crime Stoppers and
25 their crime fighting programs within the units of a local
26 government of the state.

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

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

4 860.158 Florida Motor Vehicle Theft Prevention Trust
5 Fund.--

6 (2)(a) Money in the trust fund shall be expended as
7 follows:

8 1.(a) To pay the authority's cost to administer the
9 board and the trust fund.

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

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

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

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

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

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

3 Section 7. In order to implement Specific
4 Appropriations 441-446 of Senate Bill 2-C, paragraph (g) is
5 added to subsection (7) of section 339.135, Florida Statutes,
6 to read:

7 339.135 Work program; legislative budget request;
8 definitions; preparation, adoption, execution, and
9 amendment.--

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

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

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

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

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

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1 Section 9. Notwithstanding any provision of law to the
2 contrary, all agency heads shall pursue authorization from the
3 Legislative Budget Commission in order to renegotiate current
4 state contracts with private providers and public/private
5 providers in an effort to reduce contract payments by up to 10
6 percent. It is the statewide goal to achieve \$75 million in
7 savings, however, it is the intent of the Legislature that the
8 level and quality of services not be affected. Savings
9 realized will be redirected into budget reductions in
10 education, health care, and public safety for the current
11 fiscal year. This section expires July 1, 2002.

12 Section 10. The State Board of Administration or any
13 other board operating under the authority of the state of
14 Florida, or any state agency that has the authority to issue
15 bonds, shall refinance any outstanding bonds of this state if
16 there is opportunity to reduce the interest rate to maximize
17 the cash flow benefit to the state. Any issuing authority
18 shall report to the Legislature on a quarterly basis all bond
19 issuance and refunding activities of the preceding quarter.

20 Section 11. It is the policy of the state that funds
21 appropriated to state agencies which may be used for
22 state-employee travel be limited, until July 1, 2002, to
23 travel for activities that are critical to the state agency's
24 mission. Funds may not be used to pay for travel by state
25 employees to foreign countries, other states, conferences,
26 staff-training activities, or other administrative functions
27 unless the respective agency head has determined that such
28 activities are critical to the agency mission. Travel for law
29 enforcement, military purposes, emergency management, and
30 public health activities is not covered by this section. The
31 agency head, or his or her designee, must consider

1 teleconferencing and other forms of electronic communication
2 to meet the needs of the proposed activity before approving
3 mission-critical travel.

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

9 Section 13. School District Flexibility Act of 2001.--

10 (1) This act may be cited as the "School District
11 Flexibility Act of 2001."

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

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

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

27 2. Funds allocated for Safe Schools Activities,
28 Specific Appropriation 118.

29 3. Funds for Public School Technology, Specific
30 Appropriation 120A.

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

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

6 6. Section 231.67, Florida Statutes, the Florida
7 Teachers Lead Program Stipend, Specific Appropriation 122A,
8 carryforward funds only.

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

17 (3) Each district school board shall report to the
18 Department of Education the amount of funds it transfers from
19 each of the programs identified in this section and the
20 specific academic classroom instruction for which these funds
21 are being expended. The department shall provide instructions
22 and format to be used in submitting this required information.
23 The department shall submit to the Governor, the President of
24 the Senate, and the Speaker of the House of Representatives a
25 report showing the actions taken by each district school board
26 and providing a statewide summary for all school districts.

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

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

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

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

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

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

17 (b) Submit to the Department of Education a plan that
18 identifies how the school district will fully comply with
19 standards for relocatable classrooms by July 1, 2003, and will
20 fully comply with the requirements of section 235.062, Florida
21 Statutes, by July 1, 2004.

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

24 Section 14. A section of this act that implements a
25 specific appropriation or specifically identified proviso
26 language in the act making appropriations and reductions in
27 appropriations for the 2001-2002 state fiscal year is void if
28 the specific appropriation or specifically identified proviso
29 language is vetoed. A section of this act that implements
30 more than one specific appropriation or more than one portion
31 of specifically identified proviso language in the act making

1 appropriations and reductions in appropriations for the
2 2001-2002 state fiscal year is void if all the specific
3 appropriations or portions of specifically identified proviso
4 language are vetoed.

5 Section 15. If any provision of this act or its
6 application to any person or circumstance is held invalid, the
7 invalidity shall not affect other provisions or applications
8 of the act which can be given effect without the invalid
9 provision or application, and to this end the provisions of
10 this act are declared severable.

11 Section 16. This act shall take effect upon becoming a
12 law.

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